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Security Council

Fifty-fourth Year

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Monday, 22 February 1999, 10.45 a.m.

New York

President:	Mr. Fowler	(Canada)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Valle
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Touray
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Fedotov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Protection of civilians in armed conflict

99-85131 (E)

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The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*interpretation from French*): I should like to inform the Council that I have received letters from the representatives of Australia, Azerbaijan, Bangladesh, Burkina Faso, Costa Rica, the Dominican Republic, Egypt, El Salvador, Germany, Guatemala, Haiti, India, Indonesia, Jamaica, Japan, New Zealand, Norway, Pakistan, the Republic of Korea, Togo, Ukraine, Uruguay and Zambia, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Crighton (Australia), Mr. Kouliev (Azerbaijan), Mr. Chowdhury (Bangladesh), Mr. Kafando (Burkina Faso), Mr. Niehaus (Costa Rica), Ms. Aguiar (Dominican Republic), Mr. Elaraby (Egypt), Mr. Castaneda-Cornejo (El Salvador), Mr. Kastrup (Germany), Mr. Lavalle-Valdés (Guatemala), Mr. Lelong (Haiti), Mr. Sharma (India,) Mr. Effendi (Indonesia), Miss Durrant (Jamaica), Mr. Takasu (Japan), Mr. Powles (New Zealand), Mr. Kolby (Norway), Mr. Kamal (Pakistan), Mr. Cho (Republic of Korea), Mr. Kpotsra (Togo), Mr. Yel'chenko (Ukraine), Mr. Pérez-Otermin (Uruguay) and Mr. Kasanda (Zambia) took the seats reserved for them at the side of the Council Chamber.

The President (*interpretation from French*): In accordance with the understanding reached in the Council's prior consultations, if I hear no objection, I shall take it that the Security Council agrees to extend an invitation to the Permanent Observer of Switzerland to the United Nations to participate in the discussion, without the right to vote.

There being no objection, it is so decided.

I invite the Permanent Observer of Switzerland to the United Nations to take a seat at the side of the Council Chamber.

(*spoke in English*)

I should like to inform the Council that I have received a letter dated 19 February 1999 from the Chargé d'affaires of the Permanent Observer Mission of Palestine to the United Nations, which has been issued as document S/1999/175 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Ambassador and Permanent Observer of Palestine to the United Nations, to participate in the upcoming meeting of the Security Council, on Monday, 22 February 1999, regarding the agenda item 'Protection of civilians in armed conflict'."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

I invite the Permanent Observer of Palestine to take a seat at the side of the Council Chamber.

The Security Council will now resume its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

If I might simply add a note, I am particularly pleased to see so many countries participating in this debate. It is a debate which, as everyone knows, follows the meeting we had a few weeks ago, which allowed Under-Secretary-General Vieira de Mello to present to us an important statement on humanitarian activities relevant to the Security Council. Ten days ago we had further briefings from the President of the International Committee of the Red Cross, Cornelio Sommaruga; from the Executive Director of the United Nations Children's Fund, Carol Bellamy; and from the Special Representative of the Secretary-General, Mr. Olara Otunnu, speaking to the issue of protection of civilians in armed conflict. At that time, the members of the Council had a chance to speak. We adopted a presidential

statement which, *inter alia*, asked the Secretary-General to prepare a report by next September on the matter.

I am particularly pleased that so many non-members of the Council have chosen to speak today to offer us in the Council their views on how we should consider such issues, especially any advice they might have to the Secretary-General in the preparation of his report.

The President: The first speaker on my list is the representative of Germany. I invite him to take a seat at the Council table and to make his statement.

Mr. Kastrup (Germany): I have the honour to speak on behalf of the European Union (EU). The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area, Iceland and Liechtenstein, align themselves with this statement.

On behalf of the European Union, I would like to underline my deep appreciation that the Security Council has given the protection of civilians in armed conflict a very high priority, which, as you mentioned, Mr. President, is reflected in the three meetings held within only 30 days. The Security Council has rightly done so. The EU believes that the issue of the protection of civilians in armed conflict deserves to figure high on the international political agenda. While we recognize that the primary responsibility to protect civilians under all circumstances rests with States and parties to a conflict, we must also reinvigorate international efforts to protect civilians in armed conflict. The Security Council has an important responsibility in this context. It is important that it properly coordinate its actions with other relevant bodies.

Looking at the present global situation, one cannot but feel profound concern. International Committee of the Red Cross President Sommaruga asked this Council on 12 February 1999,

> "Does this interest in humanitarian affairs not mask a certain feeling of impotence at the magnitude of the task that confronts us?" *(S/PV.3977, p. 2)*

He, as well as Under-Secretary-General Vieira de Mello; the Executive Director of the United Nations Children's Fund, Ms. Carol Bellamy; the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu; and my distinguished colleagues who spoke during the recent Security Council meetings agreed to a very large extent on the analysis of the present, very sombre, situation. In this regard, we would like in particular to mention the recent visit to Africa of the European Commissioner for Humanitarian Affairs, Emma Bonino, who described the situation in Sierra Leone and Guinea-Bissau as "hellish". That visit underlines the commitment of the European Union to a continent where conflicts, especially internal, have a particularly severe impact on civilian populations.

Not only is there still an alarming number of conflicts, but also their nature has changed. Most of the conflicts that now come before the Security Council are internal armed conflicts. The important distinctions between combatants and non-combatants, as well as between humanitarian workers and peacekeepers, are often being blurred. Today 90 per cent of victims in conflicts are civilians. Civilians have thus become the first and main target in armed conflict. Women, children, the elderly, the sick, refugees and internally displaced persons have been attacked in large numbers. International humanitarian law, human rights law and refugee law are often unknown to parties to the conflict, or they are ignored or wilfully disrespected. The gulf between existing international norms and respect for them on the ground has never attracted so much concern. Genocide, so-called ethnic cleansing, increasing attacks on humanitarian personnel and the repudiation of the principles of humanity have become an almost general phenomenon in today's conflicts.

While all civilians deserve and need the protection of the international community, children deserve particular attention. As Mr. Otunnu described in the Security Council meeting of 12 February, in recent years more than 2 million children have been killed in conflict situations, more than 1 million have been orphaned, more than 6 million have been permanently or seriously injured, 12 million have been made homeless, and more than 10 million are estimated to be suffering from grave psychological and emotional trauma. More than 300,000 children in more than 30 conflict situations are serving as child soldiers. These very numbers reflect the horror and the suffering of probably the weakest group in armed conflicts.

The collapse of law and the often anarchic nature of contemporary conflict is a severe challenge for the state community. It must not be a cause for gloom. What can we do in order to improve the situation? I would like to

highlight some areas that the European Union considers to be particularly important.

First, we have to bridge the widening gap between existing international norms and respect for them through full compliance with international law and fundamental principles. While the existing, impressive body of international human rights and humanitarian law might need some elaboration, the main objective should be to ensure its respect and full implementation. The dissemination, in clear and simple terms, of knowledge of human rights obligations and of international humanitarian law among security forces and other participants in armed conflict is most important.

Second, we must ensure unimpeded access of humanitarian workers to those in need. It is of utmost importance to tackle the question of effective monitoring and enforcement of human rights and humanitarian law. The very presence of international personnel often helps prevent the worst atrocities and contributes to implementing international law.

Third, we need to consider what can be done to enhance the safety of humanitarian personnel, particularly in cases where there is limited consent from the parties to the conflict and the security situation is unstable. The EU welcomes the entry into force of the 1994 Convention on the Safety of United Nations and Associated Personnel.

Fourth, we have to consider more effective measures to protect children in conflicts. We consider the raising of the age limit for participation in armed conflicts from 15 to 18, as foreseen by the additional protocol to the Convention on the Rights of the Child, an important step in this direction. The United Nations has set a good example with regard to the deployment of peacekeeping forces. We must also ensure that children are always identified as a priority in all efforts to build peace and resolve conflicts.

Fifthly, we must tackle the problems of anti-personnel mines and of all small arms proliferation, since they impede the repatriation of refugees, endanger both the dispensation of humanitarian assistance and economic recovery and lead to the return of violence. Sixthly, sanctions should be well targeted on the leadership in order to have a real impact without, as far as possible, leading to negative humanitarian consequences for the population. Arms embargoes should be strictly implemented so that illegal arms flows to conflict areas can be stopped.

Seventh, we must put an end to impunity from war crimes and crimes against humanity. The Yugoslavia and the Rwanda Tribunals are important steps in the right direction. The EU has warmly welcomed the adoption of the Rome Statute and is working wholeheartedly towards an early entry into operation of the International Criminal Court. It is also essential for States to implement their obligations to take action on the national level.

Eighth, we should do our utmost to prevent the media from being used as a tool of conflict. Nationalist or ethnic hate campaigns propagated through the mass media prepared the way for genocide, and not only in Rwanda. Ninth, the Security Council should as a matter of priority seek to prevent conflicts. We must all do everything to prevent such conflicts by promoting economic and social development, good governance and respect for human rights.

Tenth, coherent diplomatic, political and military measures have to be complemented with measures related to economic, humanitarian and development aspects of conflict management. In that context it is important to further develop the concept of a strategic framework to guide the work of the various United Nations organizations. The EU particularly welcomes the recent Security Council decisions on the causes of conflict in Africa and on the situation in the continent. In those decisions the need was stressed for a comprehensive strategy within the United Nations system, including the General Assembly and the Economic and Social Council. The EU is looking forward to the report requested from the Secretary-General, which will provide a useful framework for our future work on this important subject.

Let me conclude, Mr. President, by thanking you for the organization of today's meeting and for the open briefing on 12 February, and encourage the Security Council to struggle relentlessly for improved protection of civilians in armed conflict.

Allow me to add, in my national capacity, that the problems we are discussing today are of concern to all members of the international community. They should, therefore, wherever possible, be dealt with not behind closed doors but in open meetings.

The President: I thank the representative of Germany for his kind words addressed to me.

I should have begun by apologizing, on behalf of the Council, for keeping this impressive list of speakers waiting for 45 minutes as we dealt with important procedural issues. I do so now: I apologize for keeping them waiting.

I should like to inform the Council that I have just received letters from the representatives of Iraq and Israel in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Hasan (Iraq) and Mr. Gold (Israel) took the seats reserved for them at the side of the Council Chamber.

The President (*interpretation from French*): The next speaker inscribed on my list is the representative of Burkina Faso. I invite him to take a seat at the Council table and to make his statement.

Mr. Kafando (Burkina Faso) (*interpretation from French*): I should like at the outset to state that I am speaking on behalf of the countries members of the Organization of African Unity.

It is much to the credit of the Security Council that it has taken the initiative to hold this debate on the protection of civilians in armed conflict. This step demonstrates the importance that the United Nations attaches to, and its clear awareness of, its mission, which unquestionably is to guarantee international peace and security, and also, in particular, to provide safe conduct and act as a shield for civilian populations that fall victim to war and violence. It also attests to the importance of the subject before us today, a subject that has been under discussion in recent days.

Conflicts today are distinguished by the fact that they no longer take place, as they did in centuries past, on battlefields, where only the belligerents faced off. Because of their sophisticated, ultra-rapid and devastating nature, and also because of their sometimes anarchic or fragmented character, present-day conflicts are no longer confined to territory that is more or less delimited. War creeps into cities, into homes and even into families. Unfortunately, it therefore involves civilian populations, regardless of age and sex. If the Office of the United Nations High Commissioner for Refugees is to be believed, 90 per cent of the victims of such conflicts are civilians.

It is very distressing to say so, but in this gloomy picture it is Africa that is paying the highest price, in the first place because of the number of wars that are taking place there. From north to south and east to west, passing through Central Africa, the clash of arms and the sound of bombs effectively beat out the rhythm of daily life in that ailing continent. Furthermore, because of economic problems, the populations that have become victims — displaced persons, refugees, those who have been repatriated, etc. — experience the difficulties of reintegration, not to mention the torment of hunger, thirst, separation and unspeakable suffering.

It also must not be forgotten that it is in Africa that the large-scale and alarming development of the phenomenon of child soldiers is taking place. Furthermore, their recruitment is directly proportional to the proliferation of light weapons.

In this regard, the Organization of African Unity (OAU) — which, let us recall, has had a Convention on refugees since 1969 — has taken to heart the problem of the protection of civilian populations in armed conflicts by putting forward a series of initiatives. Thus, with the assistance of Member States, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and governmental and non-governmental organizations, it has sent missions to several African countries to investigate the overall situation of refugees and repatriated and displaced persons. The resulting report is alarming: there are approximately 6 million refugees and 20 million displaced persons, the majority of whom are women and children.

At the same time, the OAU secretariat has organized regional meetings on this issue in order to make policies more sensitive to this matter and to raise awareness among African populations and the international community. It should also be noted that since 1992 a cooperation agreement has linked the ICRC and the OAU. Finally, it must be stated that in December 1998, the OAU Commission on Refugees met in Khartoum, in the Sudan, and recommended a number of appropriate measures and solutions.

However, we are not dismissing the issue. The problem of the protection of civilians in armed conflicts remains complex. It brings into play humanitarian concerns and political considerations, and sometimes it even brings sovereignties and vulnerabilities into conflict.

The protection of victims in most cases implies the duty of intervention, which many Governments often associate with interference in their internal affairs. Examples abound of cases in which humanitarian organizations have been turned back on grounds of their partiality or have even been victims of violence. In some cases they have even suffered losses of life. Hence, there is this other problem: how to protect humanitarian personnel in their mission of assistance. Or, in other words, what should be done to avoid the growing recurrence of violations of international humanitarian law?

The following possible solutions, *inter alia*, have been formulated by the OAU: taking into account humanitarian aspects in drawing up policies for the settlement of conflicts through a clear definition of appropriate measures to ensure the security of humanitarian personnel and to allow them to carry out their mandate; the need to teach, publicize and implement international humanitarian law; the ratification of or accession by all States to the Geneva Convention of 12 August 1949 relating to the Protection of victims of international armed conflicts, their Additional Protocols of 8 June 1977 and the Geneva Convention of 1951 on refugees.

More generally, better protection of civilian populations in armed conflicts hinges on a solution to the situation of child soldiers. During the last decade, according to Mr. Olara Otunnu, the Secretary-General's Special Representative for Children and Armed Conflict, more than 2 million children have been killed and more than 6 million have been wounded or maimed. Such a holocaust calls for appropriate measures to be taken at the international level. We therefore support and strongly encourage the efforts of the United Nations Special Representative for Children and Armed Conflict, as well as the actions of a good number of non-governmental organizations aimed at raising the recruitment age to 18. Even then, the matter would not be fully resolved, since it involves rebel groups, which, by definition, are not subject to international law and are not bound by any convention.

The protection of civilians in armed conflicts also requires that States rapidly accede to the Convention on the total prohibition of anti-personnel mines, given the devastation caused by this treacherous and insidious weapon. Let us also emphasize the urgent need to ensure security for actions by humanitarian non-governmental organizations and other bodies. These must always follow a code of conduct, as humanitarian assistance must remain neutral and impartial.

In conclusion, I would like simply to emphasize that Africa is very aware of the actions carried out on the continent by humanitarian assistance organizations, including UNHCR, the ICRC and other non-governmental organizations. Africa pays tribute to them for their dedication to the service of victims of conflicts.

The President: The next speaker inscribed on my list is the representative of Australia. I invite him to take a seat at the Council table and to make his statement.

Mr. Crighton (Australia): On behalf of the Australian delegation, I wish to thank you, Mr. President, and the delegation of Canada for bringing this important question to the forefront of the Security Council's agenda. We also very much welcome the fact that the decision was made to discuss this in an open meeting of the Council.

The briefings provided to the Council on 12 February by the representatives of the International Committee of the Red Cross (ICRC), the United Nations Children's Fund (UNICEF) and the Secretary-General's Special Representative for Children and Armed Conflict highlighted the horrific toll that war has taken on civilian populations, and particularly on women and children.

Of course, this is not a new problem. Nor is it a diminishing problem. Last year we celebrated the fiftieth anniversary of the Universal Declaration of Human Rights. This year is also the fiftieth anniversary of the Geneva Conventions. Yet the sad fact is that ever larger numbers of civilians are being affected by conflict across the globe.

Conflict today is characterized by increased targeting of non-combatant groups, increasing involvement of non-State actors and a widening gulf between the principle and the observance of humanitarian norms and laws. The effect of this is to make civilian groups, particularly women and children, even more vulnerable to assault, abuse and displacement.

This presents the United Nations and the international community as a whole with a complex and difficult challenge, which must be addressed at a number

of levels. Many elements of our response will be beyond the specific responsibilities of the Security Council. But at the same time, as a number of speakers in the earlier Council discussion highlighted, breakdown in civil order and human suffering can be both a consequence and a cause of conflict, and to this extent it is very much an issue for this Council.

Organizations like the ICRC, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF and the United Nations itself have made a major contribution over many years to assisting and protecting civilians in conflict and post-conflict situations. International humanitarian personnel must be allowed to continue their work without threat or hindrance. Deliberate obstruction of humanitarian workers, and incidents like the recent shooting down of two planes carrying United Nations personnel in Angola, must not be allowed to go unpunished.

A number of valuable suggestions about what the Council and the United Nations can do to strengthen the protection of civilians in conflict were made during the debate on 12 February. I am sure that a lot more will be made today, and we look forward to hearing them.

The role of international human rights and humanitarian law is central. In particular, we should make every effort to further strengthen those protections already provided for in international law, not only in relation to civilian women and children but also where, for example, children may themselves become involved in armed conflict. In this area, Australia strongly supports the development of an optional protocol to the Convention on the Rights of the Child. The optional protocol aims to strengthen the existing international standard contained in article 38 of the Convention by raising the minimum age limits for recruitment into armed forces and participation in armed conflict.

Work on strengthening the international legal framework is important. That must go hand in hand with efforts to strengthen the observance of human rights and international humanitarian law. Ms. Bellamy and Mr. Otunnu, among others, spoke of the need to improve education about the obligations of soldiers under international law. Many countries, including Australia, do this as an integral part of the training of our soldiers and our peacekeepers, and we support efforts to extend that education.

It is vital that we have effective institutions to bring to justice the perpetrators of crimes against humanity. In this regard the International Criminal Tribunals for Rwanda and the former Yugoslavia have made an important contribution. The establishment of the International Criminal Court, with which Australia has been closely associated, is a major step forward.

My delegation agrees with many of the constructive suggestions that have been made so far in this debate. Arms embargoes aimed at limiting conflict must be better implemented. The proliferation of small arms and light weapons poses a particular threat to civilian populations in conflict situations, and practical steps can be taken to address this problem. Landmines exact an appalling human price, and international cooperation to ban their use and to remove the millions of mines that still threaten civilian populations must continue.

In a statement to the Security Council in a similar open debate on post-conflict peace-building held last December, my delegation spoke of the need to take a more integrated, holistic approach to the United Nations role in responding to conflict. The protection of civilians affected by conflict is an important element of this, both as conflict continues and at the post-conflict peace-building stage.

Canada's initiative in convening this debate will greatly assist the Council, and all Member States, in considering how to deal with this troubling issue. To this end, my delegation welcomes the statement by the President of the Council of 12 February 1999 and the request to the Secretary-General to prepare a report with specific recommendations for the Council on measures to improve the physical and legal protection of civilians in conflict. We look forward to the report, and we stand ready to contribute further to the Council's consideration of this matter.

The President: I thank the representative of Australia for the kind words he addressed to me.

The next speaker inscribed on my list is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Kolby (Norway): In many of today's conflicts, targeting civilians has become an integral part of war tactics. While in the First World War 5 per cent of the victims were civilian casualties, in today's wars the figure is close to 90 per cent, and children are among

those most affected by this development. The lack of adherence to international norms in today's conflicts leaves the international community and the United Nations with a special responsibility to mobilize against the increase in civilian casualties. Today's discussion on the protection of civilians in armed conflict is a positive reflection of the Security Council's increased attention to the human dimensions of security issues.

Norway greatly appreciates the opportunity to participate in this debate. In this connection, I would like to pay tribute to Canada, the current President of the Council, for focusing on this important subject.

The well-being of individuals and their communities should be a frame of reference in the Council's efforts to prevent and resolve conflict. Recent multifunctional mandates from the Council and various consolidated appeals clearly illustrate that the issue of human security is global in character and universal in scope. We need to develop this further by defining adequate internal follow-up mechanisms. We should also continue efforts to develop better-targeted and effective sanctions.

The international community is collaborating on a number of issues related to the well-being and security of individuals. Among these are initiatives in the area of small arms, anti-personnel landmines and the protection of vulnerable groups. For example, to combat the proliferation of small arms through local, national and regional projects in conflict-prone developing countries, Norway has launched a United Nations trust fund. In the area of anti-personnel landmines, the international community will soon mark the entry into force of a legally binding instrument that prohibits the use, stockpiling, transfer and production of anti-personnel landmines, with emphasis shifting from advocacy to implementation.

Children are often the most vulnerable victims in times of war. The United Nations Charter clearly states the determination of Member States "to save succeeding generations from the scourge of war". This year we will commemorate the tenth anniversary of the adoption of the Convention on the Rights of the Child. We should take this opportunity to adopt further measures to protect children, who are the least responsible yet most vulnerable in conflict situations. Agreement on an additional protocol to the Convention on the Rights of the Child, by which the age limit for participation in armed conflict would be raised from 15 to 18, would be a step in the right direction. In addition to the provision of food and medicine for mere survival, children in conflict situations need access to educational activities. This can provide children with some sense of normality and hope in the midst of despair as well as being a way of preventing the recruitment of children and bringing about the demobilization of child soldiers. We call for a rights-based approach to children affected by war.

The principle of unimpeded access of humanitarian personnel to those in need is being disregarded as never before, and we are facing a rising number of attacks on humanitarian personnel. Firm measures must be taken by the international community against parties who deliberately attack such people. To this end, Norway has contributed $100,000 to the recently established Trust Fund for the security of United Nations personnel for training and enhanced security management. In this connection, we welcome the entry into force of the 1994 Convention on the Safety of United Nations and Associated Personnel.

We are deeply concerned with the spread of internal conflicts that has contributed to an undermining of respect for the core of humanitarian law and human rights standards in situations of internal conflict and civil war. There is thus a need for strengthened international cooperation with a view to enhancing the legal protection of vulnerable groups in internal conflict, to improve international monitoring and to promote an active role of the international community in protecting human rights and fundamental humanitarian standards in such situations. In order to enforce standards set in international law, we have to put an end to impunity from genocide, crimes against humanity and war crimes. The Yugoslavia Tribunal and the Rwanda Tribunal, as well as efforts to establish an International Criminal Court, are important steps in enhancing accountability to international standards.

It is critical to focus on the improved protection of civilians in armed conflict through a comprehensive and coordinated approach by Member States and the international organizations and agencies. Norway is contributing its utmost to the efforts that are being made. We look forward to the report requested of the Secretary-General, which will identify areas in which the Security Council can contribute more to improved physical and legal protection of civilians in armed conflict.

The President: I thank the representative of Norway for his kind words addressed to my country.

The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kamal (Pakistan): As this is the first time that I am addressing the Council under your presidency, Sir, allow me to congratulate you and to express our admiration for the many initiatives that you are taking to inject greater transparency into its work.

We also salute your predecessor, Ambassador Amorim, for his own presidency and for the onerous duties that he continues to perform.

Allow me to express our gratitude to you for arranging today's debate on the protection of civilians in armed conflict. The open briefing on the same subject on 12 February 1999 by International Committee of the Red Cross (ICRC) President Cornelio Sommaruga; the Executive Director of the United Nations Children's Fund (UNICEF), Ms. Carol Bellamy; and the Special Representative of the Secretary-General, Mr. Olara Otunnu, was informative, useful and thought-provoking.

It is a matter of grave concern for all of us that the violence in situations of armed conflict has reached dangerous proportions, directed in most cases against civilians, especially women, children and other vulnerable groups, including refugees and internally displaced persons. The growing number of casualties of humanitarian workers also remains a matter of serious concern. Civilian casualties account for almost 80 per cent of the total number of victims in armed conflict. Over a million people die each year in armed conflicts around the world.

The figure for children's casualties is particularly agonizing. Special Representative Olara Otunnu shook us all with a dismal piece of information that, during the past decade, over 2 million children have lost their lives in various armed conflicts, while 12 million have been made homeless and 300,000 are serving as child soldiers in 30 conflict situations. Though most of these conflict situations are in Africa, conflicts also persist in other parts of the world, including in our own region, resulting in similar problems of civilian victims and gross human rights violations. Indian-occupied Kashmir is a case in point. The international community cannot and must not remain indifferent to such long-lasting situations.

What is more frustrating is the fact that civilians are subjected to such cruel treatment despite the existence of a substantial body of international law and principles evolved over a long period of time to protect civilians, refugees and humanitarian personnel. The 1949 Geneva Conventions and the Additional Protocols of 1977 are well-established norms of international humanitarian law for the protection of civilians and other persons who are not party to any hostilities. Similarly, the 1951 Convention and 1967 Protocol relating to the Status of Refugees are the principal international instruments concerning the protection of refugees. We have a collective responsibility to ensure effective adherence to these legal codes by the Members of the United Nations.

In his report of 22 September 1998, the Secretary-General indicated that the relevant norms, principles and provisions of international law are particularly violated in situations of internal conflicts where whole societies are mobilized for war. There should be concerted efforts to create awareness of the responsibility of State authorities in protecting the civilians in armed conflicts. In this connection, we welcome the establishment of the International Criminal Court, having jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression. Pakistan actively participated in the deliberations of the United Nations Diplomatic Conference at Rome. We hope the establishment of the Court will usher in a new era of dispensing justice to people, which would, in turn, help to establish a just global society.

We support the idea, contained in the Security Council presidential statement of 12 February 1999, that there should be a comprehensive and coordinated approach by the Member States and international organizations and agencies to address the problem of the protection of civilians in armed conflict. It is our hope that the Secretary-General, in his report to the Security Council in September this year, will submit practicable recommendations, particularly on measures to address the root causes of conflict. The need to improve the socio-economic conditions of conflict-prone societies must also be accorded due emphasis in order to ensure effective results. We support the views expressed by some delegations that the Secretary-General's report should not only focus on the role of the Security Council in improving the physical and legal protection of civilians in armed conflict, but that it should also be comprehensive in nature, identifying the role of all the concerned bodies and agencies.

The President: I thank the representative of Pakistan for his kinds words addressed to me.

The next speaker is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Takasu (Japan): I wish to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. My thanks go as well to your predecessor, Ambassador Amorim, for his excellent leadership of the work of the Council last month.

I should like to express my deep appreciation for the opportunity to present Japan's views on this important issue. The protection of civilians in armed conflict is an issue that transcends humanitarian concerns and encompasses security and development problems.

As we approach the end of this century, which has seen unprecedented levels of brutality, it is essential that the international community strive to ensure that innocent men, women and children are protected and do not become victims of conflict. We must not allow ourselves to succumb to resignation in the face of the enormity of the problem.

The Council's deliberations on the issue of protection of civilians in conflict situations so far demonstrate clearly the shared recognition that the nature of armed conflict is changing. Conflicts are taking place increasingly within States rather than between them; it is getting more and more difficult to draw a line between military personnel and civilians; and more and more women and children are becoming victims of hostilities. It is thus imperative that effective and urgent action be taken.

My delegation listened with great interest to suggestions made in the course of the Security Council's deliberations and found many of them to be worthy of further consideration. Indeed, there was a broad convergence of views on a number of measures to be taken: on strengthening enforcement of international humanitarian law; on policy measures against internally displaced persons and child soldiers; on restricting small arms and light weapons; effective measures on mine action; and on protection of humanitarian personnel. Some of the measures are already starting to be implemented, but much more needs to be done.

Japan has been contributing actively and will continue to do so in many of these areas. To cite some examples, Japan was the second party to ratify the Convention on the Safety of United Nations and Associated Personnel, which finally came into force last month. Japan is a party to the Ottawa Convention and one of the most active partners in mine action. Japan intends to contribute about 10 billion yen, around $80 million, in five years, starting from 1998, for mine action around the world. Japan has been playing an active role in collaborative efforts for the restriction of small arms and light weapons, and also for the early establishment of the International Criminal Court.

The basic thinking behind this approach is the importance that Japan attaches to human security concerns. As Prime Minister Obuchi stated recently, human security should be ensured against menaces that threaten the survival, daily life and dignity of human beings. Thus, measures to protect civilians in conflict situations are important and integral elements of human security concerns. Japan is about to make a financial contribution to the United Nations to support activities in this area.

Let me now refer to some of the particularly important points which I believe should be highlighted.

My first point relates to the importance of preserving traditional humanitarian norms of behaviour, together with full compliance with relevant international humanitarian and human rights instruments. Mr. Olara Otunnu acknowledged that every civilization is grounded upon certain humanitarian values, and that

> "there are norms that have germinated in the local soil, that speak to the protection of civilian populations, and especially of women, children and the elderly." (*S/PV.3977, p. 10*)

As we witness the breakdown of such traditional norms of behaviour, which leads to unspeakable brutality against vulnerable members of the population, it is essential that we take pains to preserve and restore those norms to avoid further tragedy and additional humanitarian disasters.

In the face of proliferating and recurring conflicts, it is also necessary to rethink our approach in dealing with the linkage between conflicts and post-conflict situations. As the United Nations High Commissioner for Refugees has been stressing, it is necessary, even before a conflict has been resolved, to consider providing not only humanitarian assistance but also assistance for the

reconstruction of the society, giving people sufficient hope for a stable and prosperous future. And, along with basic necessities, from drinking water to mine-free lands, it is of utmost importance that people waging conflicts, in particular, will come to be convinced that lasting peace is the only answer to their problems.

In this respect, we agree with Ms. Carol Bellamy that the importance of education cannot be exaggerated. The description of her visits to classes held outdoors under the trees in Tanzania's refugee camps for children from Rwanda, Burundi and the Democratic Republic of the Congo is an eloquent testimony to the efforts that are under way to re-establish orderly life even in the midst of crisis. Japan, as a top donor, intends to pursue the strengthening of close linkage between humanitarian and development assistance, and between conflict prevention and development, while paying due respect to the intangible values and traditions of the local peoples concerned.

Another point I should like to emphasize is the importance of following up on decisions the Council adopted on the basis of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa (S/1998/318). The Security Council adopted last November two important resolutions which are of special relevance to the issue of the protection of civilians in armed conflicts: one on the neutrality and security of refugee camps, and the other on the question, in which my delegation played a coordinating role, of illicit arms flows. The Council's recent presidential statement on children and armed conflict is also of great importance.

Furthermore, the Council has this time requested the Secretary-General to submit to it a report containing concrete recommendations to the Council on ways the Council, within its sphere of responsibility, can improve physical and legal measures for the protection of civilians in situations of conflict. Obviously, the responsibility to carry out actual measures to protect civilians is not confined to the Council. Japan strongly hopes that the Security Council, in collaboration with other United Nations bodies and organizations, will institute appropriate and effective measures so that a safer and better world can be our legacy for the new millennium.

The President: The next speaker is the representative of Bangladesh. I invite him to take a seat at the Council table and to make his statement.

Mr. Chowdhury (Bangladesh): It is a special pleasure for me and my delegation, Sir, to see you preside over the deliberations of the Security Council. We would like express our deep admiration to you for the wise, effective and, if I may add, proactive manner in which you are performing this task.

Bangladesh welcomes the initiative taken by Canada and you, Mr. President in convening this open meeting. It gives the Member States of the United Nations in general an opportunity to share their views and ideas on how the international community can contribute to ensuring the protection of civilians in armed conflicts. As the world is commemorating this year the fiftieth anniversary of the Geneva Conventions, as well as the centenary of the first International Peace Conference in the Hague, it is fitting that the Security Council is holding this open meeting to consider the important issue of civilians in armed conflict.

As we look at the nature of conflicts and social strife that the world is experiencing today, we notice that inter-State wars and foreign occupations have been on the decline since the end of the cold war. This encouraging development, we believe, is expected to contribute to the lessening of global violence in the long run. However, intra-State conflicts, social strife, deprivation, abuses of human rights, ethnic exclusion and xenophobia continue to pose problems that result in violence and impinge on international peace and security.

Most of the conflicts that the Security Council is handling today are internal armed conflicts in which civilians are the worst victims, taking the brunt of the large-scale human suffering. They are being displaced. They are being assaulted. They are being killed. All sorts of atrocities are being perpetrated against civilians. It is a matter of grave concern that in armed conflicts the percentage of civilian casualties has gone up incredibly in the recent decades. As we have heard before, in the First World War civilians accounted for only 5 per cent of the casualties. In the Second World War, the number went up to 45 per cent. Now the number exceeds 90 per cent. Such a sharp rise in civilian casualties is due, among other causes, to deliberate targeting and indiscriminate killing of civilians by the combatants. Recent developments suggest that ethnic and/or religious minorities are increasingly becoming targets of parties involved in armed conflicts.

Conflicts in many countries have their roots in poverty, hunger, ignorance, deprivation and lack of accountability in the use of political power. At the same time, various forms and manifestations of colonial legacies continue to prevent social and political assimilation and equitable distribution of resources. This can only foment tensions and conflicts within and among nations. We need to address the root causes of conflicts in a comprehensive and holistic manner. Poverty and social injustice constitute a source of frustration and a possible cause of new conflicts. Stability, security, democracy and peace are yet to be consolidated on a global scale. This will require a reversal of growing international inequities.

In wars and conflicts of today, parties involved quite often take recourse to actions that constitute flagrant violations of international laws, particularly humanitarian and human rights laws. The weaker and vulnerable groups of society become easy victims of conflicts. Abuses of the rights of women and children are most common. The statement of the President of the Security Council of 29 June last year is worth recalling in this regard. In this context, we value the role being played by the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu. We also reiterate strongly Bangladesh's endorsement of the idea that in a conflict situation children should be treated as a "zone of peace". The Convention on the Rights of the Child, with its near universal adherence, should be invoked more effectively and be respected by all.

We have noted with concern that United Nations and other humanitarian personnel are being threatened, abducted and killed. It is outrageous that despite the existence of so many international conventions and laws regarding humanitarian activities, particularly in respect of conflict situations, the protection and safe access of humanitarian personnel cannot be ensured. We are concerned that humanitarian personnel do not get sufficient security coverage to smoothly conduct their activities. We must address this problem more seriously and sincerely. Here we pay tribute to the significant role being played by the International Committee of the Red Cross.

Bangladesh believes that an important first step towards ensuring protection of civilians is to take adequate and effective measures to stop the supply of weapons to parties in conflict. The supply and proliferation of small arms, in particular, have contributed in a major way to jeopardizing the security of civilians. We reiterate the need for full compliance with Security Council resolution 1209 (1998) of 19 November 1998.

Bangladesh believes that international peace and security can best be strengthened not by actions of States alone, but through the inculcation of a culture of peace and non-violence in every human being and in every sphere of activity. The elements of a culture of peace are drawn from age-old principles and values that are respected and held in high esteem by all peoples and societies. The objective of a culture of peace is the empowerment of people. It contributes effectively to overcoming authoritarian structures and exploitation through democratic participation. It works against poverty and inequities and promotes development. It celebrates diversity, advances understanding and tolerance, and reduces inequality between men and women. We regard the culture of peace as an effective expedient for minimizing and preventing violence and conflict in the present-day world. My delegation strongly recommends that the culture of peace be given due consideration in the report of the Secretary-General, as called for in the statement of the Security Council President of 12 February 1999, and that the Council devote its attention to this issue when it deliberates on the report. We also encourage the Secretary-General to consult the Inter-Agency Committee in formulating his recommendations.

In conclusion, let me say that Bangladesh is committed to the cause of international peace and development. We are a signatory to most of the humanitarian conventions and laws. We have been a major contributor to peacekeeping and peacemaking efforts of the United Nations. Through our participation in this debate, we reiterate our readiness to continue to work constructively with the other Member States in ensuring effective protection of civilians in armed conflicts and, most importantly, in eliminating the root causes of such conflicts.

The President: The next speaker is the representative of Costa Rica. I invite him to take a seat at the Council table and to make his statement.

Mr. Niehaus (Costa Rica) (*interpretation from Spanish*): May I first of all congratulate you, Sir, on having assumed the presidency of the Security Council.

I would like to begin by expressing thanks to the President for having convened this meeting, thus addressing one of the issues of greatest interest to the peoples of the world who wish, like the Costa Rican people, to become active promoters of peace.

I also take this opportunity to express my delegation's complete support for the initiatives being taken by the United Nations under the leadership of the Secretary-General in order to prevent and alleviate the regrettable impact of armed conflicts on civilian populations, especially on women and children, who, as has become clear, are the most vulnerable sector of the population.

As we know full well, current armed conflicts almost always reflect historical accumulations of unsatisfied demands, in most cases aggravated by inadequate social and economic situations and by international political and economic conditions. In other words, they constitute responses to internal and international injustices. War is in itself an injustice, an unlawful injustice to which, in many cases, we can only be witnesses — indignant witnesses, but incapable of intervening in the course of events.

Central America has been no exception in this world traumatized by violence. In recent years, the Central American isthmus itself suffered the scourge of war. We Costa Ricans, being Central Americans, were pained by the bloody battles in which so many of our brothers and sisters struggled. We were witnesses to the separation of families and the death of civilians, especially women, the elderly and children, dragged by harsh reality into armed conflicts that they had simply and unwittingly inherited.

That is a reality that hurts us to the core, and it confers a moral responsibility upon the whole of international society, particularly when the victims of those conflicts have silently appealed for intervention and international action in defence of their innocent lives. Undoubtedly, history will demand an explanation for our passivity in the face of events.

The international community knows only too well the tragedy experienced by civilian populations in the context of armed conflict. We constantly see how innocent civilians are dragged into violence that is not of their making and from which they — innocent human beings who have nothing to do with the conflict — also suffer, whether they are men, women, the elderly or children.

As we said several months ago in this very forum, when we were non-permanent members of the Security Council, we are particularly disturbed by information provided by the United Nations regarding the tragic reality of children in armed conflict. In recent years, over a quarter of a million children in the world have participated in 30 armed conflicts. Some 2 million children have died in those wars, which have left between 4 million and 5 million children disabled, 12 million homeless and 1 million orphaned. Those statistics are a reflection of one of the cruellest realities of our day and of the regrettable impact of conflict on millions of children throughout the world, who unjustly lose their innocence in conflicts that they are not even capable of understanding, much less explaining, and about which all they can do is cry.

The most tragic aspect of these events is well expressed in paragraph 16 of document A/53/482, prepared by Mr. Olara Otunnu and submitted to the Third Committee in October last year, which states:

> "Cessation of hostilities does not mean that war is over, particularly for children who have been extensively exposed to the culture of violence."

Unfortunately, it is also possible that, when they grow up, those children will repeat their present reality. It is disturbing to know that that reality is dominated by an indiscriminate struggle for power, in which there is a profound absence of ethical values and anything is allowed. International society is the constant witness to the new modalities of war in which the distinction between civilians and combatants has disappeared. Children, as well as women and the elderly, have become legitimate pawns in the harsh battle for power, fought to attain supposed "ideals". Children, women and the elderly are innocent victims who deserve and demand vigorous international protection. However, as children are the most vulnerable, my country believes that we must first and foremost focus our efforts on their protection and defence.

It is imperative that we take effective international action in defence of those young creatures, who represent the future of humanity and whom we are allowing to be killed or, at best, whose innocent lives we are exposing to treatment as objects of hatred and violence.

First of all, it is essential to see the problem for what it is and with full awareness of the fact that the involvement of children in armed conflict constitutes a violation of human rights and that therefore those responsible must be punished. Costa Rica considers it essential and urgent to enact international legislation clearly prohibiting the recruitment of children under the age of 18 by forces involved in a conflict. In this context, my delegation fully supports the establishment, as soon as possible, of an additional protocol to the Convention on the Rights of the Child, and we welcome the intention explicitly to incorporate in the rules of the International

Criminal Court the principle that a child is a minor until the age of 18. That is a small contribution that the States Members of the Organization can make to humankind.

This Organization, which represents the greatest hope of the human race for survival in the twenty-first century, must move from words to deeds. This is the moment when history calls for our intervention: our clear, firm and vigorous action in defence of innocent human beings. The time has come for our words and our thoughts today, which are directed towards the effective protection of civilians in armed conflicts — especially children — to be supported by concrete action on the part of the international community.

In spite of my comments, we must point out that although international legislation is of enormous importance in resolving this problem of the involvement of civilians, especially children, in armed conflicts, such legislation in itself is not enough to prevent the situations that put those civilians, particularly children, at risk. That is why, in addition to what has been proposed in the international sphere, we need an appropriate legal framework at the domestic level, within each of our societies and each of our States, as well as clear and effective social action to make it possible for the children of today to exercise their right to be the men and women of the future, to protect their right to become adults who are in charge of their own development and who can thereby contribute to the development of humankind and, in their own valuable way, to the building of a better world of peace, justice and liberty.

The President: The next speaker inscribed on my list is the representative of New Zealand. I invite him to take a seat at the Council table and to make his statement.

Mr. Powles (New Zealand): May I begin by saying how grateful my delegation is to have this opportunity to take part in an open debate of the Security Council on this most important matter. I would also like to congratulate you, Sir, as the representative of Canada, on your country's leading role at the present time in focusing the attention of the international community on the need for an adequate response. In addition, I would like to express my thanks to the heads of the various agencies who have briefed the Council in open meetings over recent weeks. The facts they have laid before us emphasize the urgency of the task before the Council.

I will not repeat what the experts and others have said previously about the scale of the problem of protecting civilians in the conflicts at present raging in Africa and Europe in particular. No one disputes the appalling statistics we have heard. Instead, I want to go straight to how New Zealand thinks the United Nations should address the issue. We see two key aspects to the issue: the legal framework and the functioning of the Security Council.

The distinction between combatants and those taking no active part in the conflict is one of the oldest and most fundamental principles of international law. I agree with the observation made by the Permanent Representative of Slovenia, at the briefing on 12 February, to the effect that our basic premise should be that current humanitarian law comprises all the necessary principles and basic rules.

We have the four Geneva Conventions of 1949, especially the Fourth, and the two Protocols of 1977. The Convention on the Rights of the Child also bears on the problem. There are also new standards, such as the code of conduct on displaced persons elaborated by the United Nations High Commissioner for Refugees, which need to be implemented and incorporated into the body of international humanitarian law.

A recent positive development has been the entry into force of the Convention on the Safety of United Nations and Associated Personnel. Its true effectiveness will, of course, depend on its wide acceptance, and we urge those Member States that have not yet signed the Convention to do so. We are also interested in suggestions made on several occasions during the two briefings of the Council on the need to broaden the scope and application of that Convention, in particular to cover humanitarian workers, by means of a protocol. We would welcome further discussion on this point.

The adoption of the Statute of the International Criminal Court is an essential step forward in promoting the protection of civilians. It holds the promise of an end to impunity. The establishment of the Court will send the strongest message to perpetrators of attacks on civilians that they will be held accountable. What we have heard in the briefings given to the Council and in today's debate so far only adds urgency to the need for early ratification and the widest possible participation by the international community. Obviously, we must together bring the work being done in the Preparatory Commission, as we speak, to an early and positive conclusion, so that the Court may become a reality as soon as possible. Overall, we welcome the growing

acceptance of the fact that the protection of individuals transcends the domestic affairs of States. National sovereignty is not an absolute in this context.

With one or two exceptions the basic legal framework is sound. The international community now needs to turn its attention to the effective implementation of the law. A first step is to achieve greater adherence, for example, to the Additional Protocols to the Geneva Conventions. We need also to generate greater understanding of the role of customary international law in this area. Finally, and of fundamental importance, the dissemination of international humanitarian law needs our fullest support, so that the knowledge of the basic rules governing armed conflict and human rights spreads to all those who bear arms. The work of the International Committee of the Red Cross (ICRC) is often dangerous and thankless, but always vital, and I take this opportunity to put on record my Government's gratitude for the tremendous job it does.

It is appropriate that we address these issues in a year which represents the centenary of the Hague Peace Conference and the fiftieth anniversary of the Geneva Conventions. The meetings in The Hague and St. Petersburg, as well as the twenty-seventh International Conference of the Red Cross and Red Crescent in November, will provide further opportunities for the international community to develop ideas and find practical solutions to these problems.

I would like now to turn to the practical steps we believe the Security Council should take towards the protection of civilians in carrying out its mandate to maintain or restore international peace and security.

Two of the largest peacekeeping operations ever undertaken by the United Nations in fact had a strong humanitarian purpose. In Somalia, for instance, the United Nations peacekeeping operations began with efforts to facilitate humanitarian aid to people trapped by civil war and famine. In Bosnia the United Nations Protection Force (UNPROFOR) assisted in the provision of humanitarian aid in the midst of a vicious war and sought to impose constraints on the belligerents, including through the establishment of such measures as safe areas for civilians.

In the first half of the 1990s and in the new spirit of cooperation following the end of the cold war, the Council showed it was ready to attempt solutions to humanitarian problems in high-risk environments. Failure was a constant prospect, and the two operations to which I have referred are in the conventional wisdom these days indeed counted as failures. I believe nevertheless there is much to be learned from them that could be highly relevant today.

For example, let us look at the safe areas in Bosnia, which were established as an emergency and temporary measure in May 1993 after the Council sent a fact-finding mission of its own members into the field. UNPROFOR was subsequently given the task of deterring attacks upon these areas, and the use of NATO air power to support UNPROFOR was also authorized by the Council. These areas were held for more than two years, sheltering thousands of civilians, albeit in dire conditions and with continuing problems regarding their demilitarization. Disaster finally struck at Srebrenica in July 1995 when the UNPROFOR positions were overrun. The appalling extent of the atrocities committed is still being revealed as new mass graves are exhumed.

Was the original decision to establish the safe areas a mistake, even morally questionable, given the false sense of security they may have engendered? I do not believe so. There were many other contributing factors, particularly the failure to provide the necessary numbers of troops to sustain the deterrence role, which I will not detail here.

The transfer of authority from UNPROFOR to the Implementation Force (IFOR) in Bosnia on 20 December 1995 in my view marks a watershed in the Council's approach during this decade to its responsibilities. I still recall reports of the handover occasion when, at the appointed hour, troops designated to stay on with IFOR put on their national headgear, some of them stamping their blue berets into the ground. Such was the frustration ordinary soldiers had felt at the ambiguities implicit in the UNPROFOR operation.

Since that time it seems the Council has become increasingly unsure of itself in the face of the humanitarian disasters before it. As Mr. Sommaruga, the head of the International Committee of the Red Cross, asked at the beginning of his statement to the Council on 12 February, does the Council's interest in humanitarian affairs not perhaps mask a certain feeling of impotence at the magnitude of the task that confronts us?

I believe we need a reassertion of leadership from the Council, including a willingness to attempt innovative solutions. This includes at the conflict prevention stage where, for example, the United Nations can take pride in the successful and critically important United Nations

Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia.

If I may offer an example of an innovative approach from my own region in which the United Nations now also has an important role, I would like to talk very briefly about Bougainville in Papua New Guinea. During a little-reported conflict which lasted nine years from 1989, it is estimated that as many as 10,000 people, the vast majority civilians, may have died. Following a series of peace talks in New Zealand, a truce-monitoring group, and subsequently a peace-monitoring group, including personnel from my own country, Vanuatu, Fiji and Australia, were deployed.

Stationed throughout the island, members of the truce-monitoring group and the peace-monitoring group have literally had to trek through miles of mountainous jungle to spread the message of peace and monitor the process. Their job has not been easy. Language barriers, the heat and the sheer ruggedness of the terrain have proved challenging. But perhaps the most remarkable thing about the conduct of this operation on an island where so many lives have been taken is that our forces took the conscious decision to deploy without any arms. This was to show that they meant no harm and posed no threat to anyone. Indeed, there were already enough guns on the island. So far the peace process remains on track. New Zealand has welcomed the establishment of the United Nations Political Office on Bougainville and is encouraged by the positive role United Nations officials are playing in support of the process.

Finally, the Security Council has perhaps the most difficult job in the world. The matters it is called to deal with include some of the longest-running and bloodiest conflicts since the Second World War. Some of them, for example Angola, are orphans, as Ambassador Amorim recently put it, in that their former international sponsors have no further use for them. The toll on civilians is horrific. The Council must strive to identify solutions, however, and, critically important, it must remain the ultimate and essential source of authority for collective security action. We look forward to a positive outcome from this important initiative on the protection of civilians in armed conflict.

The President: I thank the representative of New Zealand for his kind words addressed to my country.

The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Sharma (India): Let me begin by thanking you, Sir, for giving us the opportunity to speak on this subject. I have read with interest the statements made by members of the Council on 21 January and 12 February and by the experts who addressed them. Most of those statements, particularly of the experts, were marked by great emotion, which is understandable. It is natural to be moved by suffering. We also have deep concerns on the subject. However, no matter how emotive an issue, solutions to problems must be based on facts and on pragmatism.

This is why we are disturbed by some liberties taken with history on which the discussions were premised. It is simply not the case that the targeting of civilians in armed conflict is an innovation of the 1990s or that its frequency has increased. Throughout the colonial wars that continued into our era, the main victims of the imperial armies were civilians. It is worth recalling that Additional Protocol I to the Geneva Conventions, which deals with wars of national liberation, was negotiated and adopted only in 1977, after decolonization was almost complete. When the colonial Powers fought each other, in increasingly vicious conflict, ending in the two World Wars of this century, the distinction between civilians and those in uniform was lost. Concentration camps, carpet bombing and total war are concepts which have been with us throughout this century. The persecution of civilians in armed conflict is not a recent, third-world malaise.

Any evolution in the situation has also been slow in coming. Military doctrines based on the first use of nuclear weapons would cause the wholesale slaughter of civilians. Very few soldiers were among the hundreds of thousands killed in Hiroshima and Nagasaki, and very few would be among the hundreds of millions killed in any nuclear exchange. The report which the Secretary-General has been asked to produce for the Security Council should therefore make it clear that, if steps are being taken to either ban or control weapons, such as landmines or small arms, that cause civilian casualties, steps must also be taken to outlaw the use of nuclear weapons. However, we know that the report will not be able to say this, and that even if it does, the Council will not act on any such recommendation. In this matter as in others, politics determines what is possible.

Once we accept that this issue is as deeply politicized as any other, we will also understand why many countries are troubled by the Council's selective activism. Even in countries affected by conflict that are not fully functioning democracies, it is usually the case that outrages against civilians are carried out by terrorists or irregular elements owing no allegiance either to the nation or to any concept of law. Unfortunately, many Governments in more placid parts of the world are driven primarily by what happens on television, and the media feed on horror. Therefore, it is now known to ruthless and ambitious men that if they commit atrocities sufficiently spectacular, media attention will follow, and international attention will come in its wake. Having created humanitarian disasters, they are then quite willing to have humanitarian agencies operate in the areas they have devastated. This offers them several advantages: the de facto acknowledgment that an area is under their control; international attention to the causes they purport to represent; the lifting of responsibility from their shoulders for the maintenance of the populations they repress; and, when they can, the appropriation of humanitarian assistance to sustain their fighters.

These are advantages which Governments under siege are naturally reluctant to concede those who kill and terrorize their citizens and challenge their legitimate authority. However, it is then the Governments concerned that bear the brunt of philanthropic outrage if they do not concede what is now claimed as the right of humanitarian intervention. Humanitarian assistance becomes an issue between the Governments concerned and the humanitarian agencies and donor countries; the protection of civilians becomes an excuse for the assertion of political will. In these circumstances, humanitarian assistance becomes not a part of the conflict but a tool, indeed a means of waging conflict, for many who wish to undermine established authority. This is not received wisdom, because it flies against the interests of both philanthropy and realpolitik, but Somalia is a sombre reminder that good intentions by themselves do not prevent a debacle.

It also worries us that some of the experts who spoke in the Council asked for its help in ensuring that humanitarian agencies had access as a matter of right to civilian populations affected by conflict. It is important that, in promoting the rule of law, we should not stretch or violate it. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War makes it clear that, when military necessity so requires, access may be denied. There is no automatic right of access, and to press for it would violate both international humanitarian law and the sovereignty of States. In practice, only strong States that respect and can enforce the rule of law, within their borders and internationally, will be capable of ensuring the human rights of their citizens. Weakening State authority, particularly that of Governments already under violent internal stress, through claims of a right of intervention not only violates international law, it works against the objective of ensuring that civilians under threat are protected as much as possible.

We are also disturbed by the recommendations made by more than one expert that targeted sanctions should be used both to ensure the protection of civilians and to punish those who violate their rights. Sanctions are a blunt instrument. Targeted sanctions have had two ends in view: to streamline the process for countries and agencies that impose sanctions, and to try to limit, not human suffering in the countries targeted, but the effects on the economic interests of those imposing sanctions. This too is an unpleasant truth that must be faced. The effect of sanctions on Iraq is a clear example of how innocent civilians have suffered for years in the aftermath of a conflict which they did nothing to provoke. As against that, sanctions have not been implemented in other parts of the world, for reasons on which introspection in the Council might provide answers. We trust that the Secretary-General's report will examine these issues objectively and in depth.

These issues were considered in depth by the Twenty-sixth International Conference of the Red Cross and Red Crescent in Geneva in 1995. Balancing the rights of civilians to impartial humanitarian relief, the Conference also laid down several important principles, among them the need to build long-term developmental perspectives into humanitarian assistance, the need for independence of humanitarian action in times of crisis, and the need to strengthen national capacities to provide humanitarian and development assistance and protection to the most vulnerable. It also expressed concern about the humanitarian consequences of economic sanctions, including those imposed by the United Nations. These are principles which should be respected.

We have repeatedly heard that there are enough international instruments for the protection of civilians and that what we need to do is make sure that they are honoured. What the Council needs to consider is how this is to be done. By definition, international instruments are signed by Governments, most of which honour them; if they do not, they can be held accountable. But most violations of human rights are committed by elements and forces that are accountable to no one, who have no

interest in international humanitarian law or in being educated in its niceties, and have signed no agreements to respect it. However, when a country situation is under discussion, blame is ascribed to the body that is at hand and accountable — the Government — though it may not be responsible for the outrages and be powerless to prevent them. The Council is as impotent as any other body in these situations, having very little influence over the actions of irregular forces, terrorists and warlords. We wonder, therefore, how, in practice, it will implement the elements of the presidential statement issued on 12 February.

A fundamental issue is how to distinguish a civilian from an armed adversary in conflicts where at least one of the parties deliberately does not put its fighters in uniform. Children, as we have repeatedly been told, are under arms, but so are women. While some armed forces in the West have recently conceded to women the right to go into combat, this dubious privilege has existed in other parts of the world for many years, particularly in irregular warfare. When a civilian cannot be distinguished from a soldier and neither sex nor age guarantee civilian status, the chances of genuine civilians' being killed in conflict increase sharply. The alternative is for regular armed forces to expose themselves to risks and casualties that can be unacceptably high. This is a tragic but real operational conundrum and cannot be ignored.

So, too, is the problem, addressed by others in this debate, caused by the shift over the last decades in the status of refugees. From Afghanistan in the 1980s to the Great Lakes in the 1990s, refugees have been seen by interested parties as an asset of war, fighting forces have been recruited from refugee camps and the camps themselves have been used as safe havens from which cross-border raids are carried out. This blurring of the distinction between combatants and civilians in distress has created serious dilemmas, not least for the United Nations High Commissioner for Refugees.

We have heard repeatedly that the nature of war has changed and that civilians are now targets as they have not been before. As I said, this ignores historical reality, but, even more, none of the many examples that have been given have addressed a basic problem inherent in the nature of war. During the Gulf War, it was believed that the Government of Iraq had moved civilians, including foreigners, into the vicinity of targets that would have been attacked by the coalition. The Security Council, through resolutions 664 (1990) and 674 (1990), condemned these actions. If, however, the Iraqi Government had continued to keep civilians near those targets, would the coalition have desisted? Almost certainly not, because the Geneva Conventions clearly lay down that the presence of civilians cannot be invoked to seek protection for a legitimate military objective.

Unfortunately, most Governments which have to handle conflicts where armed elements regularly use civilians as shields do not have the means of having the Security Council adopt resolutions condemning the practice of their enemies. State forces are asked to hold their hand or — if they do not and civilian casualties result — are condemned for not having acted according to the highest standards of international humanitarian law. Here again, unfortunately, there is a clear disparity of treatment: The powerful can invoke the law and can get away with actions, even when such actions are in breach of the laws of war; the weak suffer opprobrium and censure.

Irrespective of whether the nature of war has changed or not, no war can be fought unless the combatants have weapons and money to sustain conflict. The manufacture of weapons, including the small arms and light weapons with which the majority of conflicts have been fought in the 1990s, is still largely the prerogative of a few developed countries. Other Governments have cynically or for political gain sent arms across borders to sustain insurgencies. These Governments must take the responsibility of controlling or stopping the flow of arms that fuel or sustain conflict. These are patterns of behaviour that must be checked; it would be interesting to see what the Security Council does to contain or prevent these practices.

There is a further point involved, brought up courageously by Special Representative Otunnu, and that is the role of major business interests in fomenting and financing conflict. This has two aspects, the obverse of the problems faced by Governments accused of human rights violations committed by elements outside their control. First, when business interests from the developed world provoke or sustain conflicts, as is currently the case in more than one ongoing conflagration, the Governments concerned shrug off responsibility on the grounds that they cannot be held responsible for the operation of multinational business concerns. Secondly, the supply of arms over which there are no national controls is justified on the grounds that these are commercial operations, subject only to the rules of the market place, which open capitalist societies cannot curb. And, as a further twist, some Governments believe and

contend that the arms industry is so significant a component of their economies that their exports must necessarily be encouraged to maintain the health of the industry and of the national economy. In other words, lives in a distant continent are a necessary sacrifice to ensure that economies in the developed world continue to flourish.

Finally, two problems, neither of them new, but which singly and together have given a new virulence to violence against civilians: The first is racism and the other the problem of mercenaries. The first problem has been hinted at by several speakers in the debate; it needs to be faced openly because it has surfaced, not only in conflicts, but in several United Nations peacekeeping operations. It is significant that no United Nations contingent from a developing country has ever been accused of racist violence; it is equally significant that very few soldiers guilty of racist violence in the course of United Nations operations have ever been seriously punished. If the United Nations cannot uphold the highest standards, it can hardly carry authority in prescribing good behaviour to others.

Related to this is the scourge of mercenarism. A very large number of conflicts are now sustained by mercenaries. Almost invariably, these are foreigners, often from distant lands and therefore men without the slightest concern for the lives of the civilians in the country where they fight for gain. Some of the worst outrages against civilians have been committed by mercenaries and, by definition, unless this practice is curbed, violence against civilians will be endemic wherever they operate. However, in the guise of security agencies' hiring personnel laid off by armed forces that can now shed staff, their number is on the increase, often encouraged clandestinely by agencies in the countries concerned. We would be interested in seeing how the Council deals with this problem.

I have spoken almost exclusively about the problems that we see in the way this issue has been handled. This is not to say that we underestimate the gravity of the problem or belittle the efforts of those agencies and individuals who have made enormous efforts, and sometimes supreme sacrifices, to protect civilians in situations of armed conflict. We honour their efforts and we salute the men and women involved. As I have said, this has to be a matter of the gravest concern to the entire membership and one to which it would like to see improvements.

However, what we are discussing is an extremely complex matter and, if we are not to cause problems through misguided benevolence, it is necessary to address the paradoxes and difficulties which face anyone who has had to grapple with these issues, not in the comfort of this Chamber, but on the ground. There are some questions to which there are no easy answers; a simple answer might be the wrong one and create more difficulties in the long run. Our interest is in making sure that the international community examines this complex and multifaceted issue in depth, before the Council is authorized to take any action on its behalf. It is in that spirit that we have spoken today.

The President: The next speaker is the representative of Ukraine. I invite him to take a seat at the Council table and to make his statement.

Mr. Yel'Chenko (Ukraine): One could hardly overestimate the importance and practical usefulness o f the discussion that took place in this room 10 days ago. We would like to thank the delegation of Canada for initiating and organizing this open briefing that gave us an excellent opportunity to see live debate in the Security Council and to listen to a broad exchange of views and proposals aimed at finding effective ways and means to protect civilians in armed conflicts. We are also grateful to the Canadian delegation for inviting non-members of the Council to respond to the briefing and to provide guidance on the content of the Secretary-General's report requested in the Presidential Statement of 12 February 1999.

It is indeed not easy to add something new to the examination carried out and ideas expressed during the meeting. In my statement I would like to emphasize a few important points that, in our opinion, the report of the Secretary-General should address specifically.

We believe that, before formulating the recommendations to the Security Council, the report of the Secretary-General should in the first place contain an analysis of the causes of contemporary conflicts. As has already been pointed out by a number of speakers, present-day conflicts are in most cases civil or inter-ethnic warfare of non-international character in which the main purpose of the warring sides is not to subdue the rival group but rather to eliminate or banish it. In such conflicts, civilians are not simply collateral victims of atrocities committed by one or both sides but a direct target thereof. For the same reason, the efforts of humanitarian organizations bringing desperately needed help to those suffering from horrors of war — and even their presence — are most unwelcome to the perpetrators of mass killings and ethnic cleansing.

The growing number of armed conflicts, as well as their brutal character, is to a large extent the result of poverty and decreasing resources that bring about extensive migrations of population, unemployment and growth of crime. Sometimes a mere spark can kindle the flame of long and bloody warfare, especially in the areas with a population of mixed ethnic or religious composition. In this connection, it is important not to overlook the role of sustainable economic development, preservation and strengthening of the fabric of societies' and education in eliminating the causes of conflicts and in their prevention.

During the discussion, several speakers touched upon the issue of sanctions. Economic sanctions are a powerful instrument which should be resorted to with great caution. We strongly support the idea that they must be used appropriately to target those responsible and not to increase suffering of women, elderly and children who are the prime victims in times of war. They also should not contribute to the deepening of poverty which in many cases is the main source of conflict. For this purpose, the Security Council should, in our opinion, give careful consideration to the potential social, economic and humanitarian impact of sanctions on the population of the target State and in third countries prior to the imposition of sanctions. Following the imposition of sanctions, the Secretariat should be entrusted with the task of monitoring their effects with a view to providing the Council with possible options so that appropriate adjustments and changes could be introduced to the regime of sanctions in order to mitigate their adverse collateral effects.

Another important aspect which should be addressed in the report of the Secretary-General is the measures to prevent illicit arms flows into the areas of armed conflict and the role of the Security Council in enforcing such measures. This study could also include proposals on the reduction of legal arms trade in the areas where internal instability and tension may easily turn into war if no measures of restraint are exercised by the international community.

My country supports the efforts of the international community aimed at ensuring respect for the rules of international humanitarian law. Ukraine is a party to the two Protocols Additional to the Geneva Conventions and recognized the competence of the International Fact-Finding Commission. The Commission deserves a wider recognition by States, for its primary task is not only that of fact-finding but also to facilitate the restoration of respect for the humanitarian law in general, as well as protection of the legitimate rights and interests of the victims of armed conflicts.

My country supported the initiative to establish an international criminal court and was actively involved in this process through participation in the work of the Preparatory Committee and the Rome Diplomatic Conference. In Rome, we witnessed a historic moment when the idea of establishing an international criminal court was finally accomplished, thus successfully fulfilling the work that had been in progress over the past fifty years. The establishment of the International Criminal Court (ICC) will provide an indispensable element in protection of victims of armed conflicts and in strengthening international humanitarian law through an effective judicial institution of universal character. We are confident that it will receive a worldwide support through the process of subsequent ICC Statute acceptance.

Of no less importance is the universal acceptance of the Anti-personnel Mines Convention, which is about to enter into force. Bearing in mind the significance of this instrument for the protection of civilian populations in armed conflicts, the Government of Ukraine decided to sign the Convention before 1 March 1999.

The President: I thank the representative of Ukraine for his kind words addressed to my delegation and invite him to resume the seat reserved for him at the side of the Council chamber.

The next speaker inscribed on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table.

Mr. Cho Chang-Beom (Republic of Korea): I wish first of all to express my delegation's gratitude to you, Sir, for your initiative to organize today's open debate on the important issue of the protection of civilians in armed conflict. We applaud Canada's firm commitment, both to promoting the awareness of the international community on the new challenges facing human security and to enhancing the transparency of the work of the Security Council. My thanks should also go to Mr. Sommaruga, President of the International Committee of the Red Cross; Ms. Bellamy, Executive Director of the United Nations Children's Fund; and Special Representative Otunnu for their insightful briefing in this Chamber on 12 February 1999, as well as for their distinguished service in the cause of humanity.

The end of the cold war did not end the plight of civilian populations. In many parts of the world, armed conflict and civilian suffering therein continue with alarming intensity and growing frequency. In particular, children, women and other vulnerable groups are subjected to unlawful attacks and abuses in many deplorable ways. Moroever, an ever-increasing number of those who volunteer to help civilians in conflict situations find their lives threatened or sacrificed. Overall, the changing nature of intra-state conflicts seriously undermines the respect for international humanitarian law, posing a grave threat to human security.

My delegation believes that the time has come for the international community to mobilize the collective will to cope with these challenges. It was with this belief that my Government, holding the presidency of the Security Council for the month of May 1997, took the initiative to organize the first open debate on the related issue of protection of humanitarian assistance to refugees and others in conflict situations. We are happy to note today that our initiative has since been built upon by like-minded members of the Council. We are confident that your initiative with a broader focus, Sir, will further contribute to the discourse on what the Security Council, and indeed international community as a whole, can do to stem the large-scale civilian suffering increasingly prevalent in conflict situations.

Already, during the open briefing of 12 February, many constructive suggestions were made by those providing the briefing, as well as by members of the Council, on how to promote the protection of civilian populations affected by armed conflicts. While we believe these suggestions deserve the broad support of the international community, we wish to especially highlight the following points, given the high priority we attach to them.

My first point relates to the role and responsibility of the Security Council. As the representative of Canada mentioned in the previous open briefing, promoting the protection of civilians in armed conflicts is central to the Council's mandate. In our view, the Council's primary responsibility for the maintenance of international peace and security should not be limited to its involvement in the issues related to the traditional concept of States' security. Ultimately, the security of States cannot be fully ensured without the security of the people living in those States being properly protected. Therefore, the Council should be encouraged to take a proactive approach to enhance its active engagement in the issues of human security, such as providing assistance to and protection for civilians in armed conflicts.

My second comment concerns the strengthening of the international legal-enforcement framework in order to combat the culture of impunity. As we are all aware, this year marks the fiftieth anniversary of the Geneva Conventions and the centenary of the first Hague Peace Conference. It is indeed timely for the Council to take stock of its unprecedented efforts to be directly involved in punishment for war crimes and other violations of international humanitarian law in the former Yugoslavia and Rwanda. Lessons learned from these efforts will be instrumental in strengthening the future working of the existing ad hoc tribunals. They will also shed useful light on the ongoing preparatory work for the early entry into operation of the new permanent International Criminal Court. The Republic of Korea remains firmly committed to the cause of the early establishment of the International Criminal Court. We are sure that promoting this cause will strengthen the principle of the rule of law and make an enormous contribution to the cause of the protection of civilian populations.

Thirdly, we believe that the Security Council should pay greater attention to various root causes of civilian suffering in armed conflicts, in particular to illicit arms-trafficking and anti-personnel landmines. My delegation has emphasized its view on various occasions that, with well-established cross-border arms flows, country-specific arms embargoes do not suffice to stem the illicit trafficking of arms. In this regard, we join the recent appeals of the Secretary-General for a regional approach to finding practical ways to stem the illicit flow of arms to and within given regions.

Mine clearance has now become a global agenda requiring global action. In both conflicts and post-conflict situations, demining is an urgent precondition for securing the minimum safety of civilians. In this regard, we hope that the United Nations Mine Action Service will strengthen its role as a focal point within the United Nations system. Since 1996 my country, as a donor to the Mine Action Support Group, has actively participated in mine-clearance activities in Cambodia, Tajikistan and Ethiopia.

Fourthly, we would like to emphasize the obligation of all States and non-State actors under international law to ensure humanitarian access to all those in need. The international community should consider more forceful measures, such as the imposition of sanctions specifically

targeted against those that do not provide or who wilfully obstruct access of humanitarian organizations.

In this connection, we would also like to draw the attention of the Council, once again, to the need for ensuring the security and safety of United Nations and humanitarian personnel. We welcome the entry into force of the Convention on the Safety of United Nations and Associated Personnel in January of this year. We hope that adequate follow-up measures will be taken to secure universal adherence and to further expand the scope of this Convention. As Under-Secretary-General De Mello aptly pointed out in his open briefing to the Council last month, ways and means should be explored to cover all situations in which United Nations and associated personnel, including national staff, are deployed, and to ensure its implementation by non-State actors.

We believe that there are many other related areas the Council can look into in order to improve the security and safety of United Nations and humanitarian personnel. In this connection, my delegation welcomes and hopes for the early translation into action of the specific recommendation contained in Council resolution 1208 (1998), to include in the United Nations Stand-by Arrangements military and police units and personnel trained for humanitarian operations, together with related *matériel*.

Last but not least, we cannot fail to address the plight of children in armed conflicts, as eloquently pointed out by Ms. Bellamy and Mr. Otunnu. My delegation, through its work as a member of the Security Council for two years, learned with consternation the truth about the horrible practice of using child soldiers in many conflict situations. We deplore that this practice and other atrocities involving children still continue unabated. It is very clear to all of us that the international community should do everything in its capacity to ensure that this awful practice ceases immediately. In this context, my delegation wishes to see an early adoption of the optional protocol to the Convention on the Rights of the Child regarding the involvement of children in armed conflicts. Among other important issues, we hope that consensus will soon emerge on the minimum age of military recruitment.

The international community has to rise to the daunting challenge of providing adequate security for all those in need of protection and their protectors. The time for action has come. We hope that the views expressed today will be reflected in the report of the Secretary-General as requested by the presidential statement of 12 February 1999, as well as in the Council's follow-up action on this issue. We further hope that such action will be taken in close collaboration with other United Nations organs and agencies, as well as with the United Nations membership as a whole.

I would like to conclude by reiterating that my Government stands ready to continue to make contributions in this regard and to work together with interested members of the Council.

The President: I thank the representative of the Republic of Korea for his kind words addressed to me and to my country.

The next speaker is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Effendi (Indonesia): Let me begin by extending to you, Mr. President, our appreciation for convening this open meeting on an issue of such great importance.

It is indeed disturbing, as the world moves towards the twenty-first century and a new millennium of hope and great expectation, that the international community finds itself ever more frequently faced with civilian casualties, including children, in armed conflicts — all the more so as this year we observe the fiftieth anniversary of the Geneva Convention.

Even more tragic is the fact that, while the Geneva Convention relative to the Protection of Civilian Persons in Time of War is founded on the principle that the humane treatment of inhabitants serves the values of humanity and decency to which all sides may subscribe, we find that in contemporary warfare combatants have deliberately targeted civilians as a means of pursuing their objectives.

Thus, while the international community has crafted a rather comprehensive framework of international humanitarian law, the rights of displaced persons and refugees and the human rights of civilians in situations of armed conflict are often neglected. Therefore, the stress is and should be on their implementation. In this context, as international law does not take precedence over national law, a balance must be sought so as not to violate national sovereignty or the purposes and principles of the United Nations Charter. Experience shows that in the long run, such violations will only exacerbate the situation and worsen conditions.

Of equal concern to the international community is the growing threat faced by humanitarian workers, who risk their personal safety for the noble purpose of alleviating suffering and hardship. Assaults on humanitarian operations are particularly threatening in the light of the fact that the vast majority of conflicts occur within States. They are almost always accompanied by large-scale internal displacement and refugee flows and call for a United Nations presence and a rapid and effective response by its various agencies and funds. We must secure the protection of humanitarian personnel if this aspect of the Organization's work is to successfully continue.

In this regard, we concur with the assertion of the President of the International Committee of the Red Cross that the bottom line for any action by humanitarian organizations is that it must have received the consent of each and every party concerned.

Many have called for the root causes of conflicts to be addressed and have clearly voiced their view that a link exists between social and economic development and peace and stability. Indonesia concurs that effective measures for that purpose could be achieved through close cooperation between the Security Council, the General Assembly and the Economic and Social Council, and that none is equipped to exclusively and comprehensively deal with those issues.

When they met in Durban in September last year, the heads of State or Government of the non-aligned countries stressed the need to differentiate between peacekeeping operations and humanitarian assistance. Indeed, they are two different kinds of responses to two different kinds of situations. In the past few years we have witnessed that peacekeeping operations have little chance of success when addressing humanitarian situations. On the other hand, it is very difficult for humanitarian organizations to maintain their impartiality and neutrality if escorted by armed guards. This dilemma is not new, as our predecessors would have testified 50 years ago in Geneva. But the United Nations is equipped to address this very difficult but very important issue.

In concluding, I should like to reiterate Indonesia's strong support for the humanitarian operations of the United Nations, as well as the need for the Organization to strenuously work to uphold established international humanitarian law. We will continue to contribute to that effort.

The President (*interpretation from French*): The next speaker inscribed on my list is the representative of Togo. I invite him to take a seat at the Council table and to make his statement.

Mr. Kpotsra (Togo) (*interpretation from French*): First of all, allow me to express to you, Mr. President, the appreciation of the Group of African States for your initiative in organizing a public debate on such an important subject, which, as current events are showing, represents one of the major challenges facing the international community today. This initiative alone illustrates the steadfast dedication of your country, Canada, to strengthening the protection and the promotion of human rights and of international humanitarian law.

Just a few months before the advent of the third millennium and on the fiftieth anniversary of the Geneva Conventions — which also coincides with the centenary of the first International Peace Conference of The Hague — it is very distressing to note that civilians today constitute the vast majority of victims of armed conflicts, and that among those civilians, women, children and other members of vulnerable groups are deliberately used as priority targets by the combatants.

Given that state of affairs, it seems natural to us that the Security Council should seek additional measures likely to lead to an improvement of the physical and legal protection of civilians in situations of armed conflict.

In taking the floor at this stage of the debate, I will limit myself to those aspects that in my view need to be analysed and to which we need to attach priority if, as Members of the United Nations, we want to improve the plight of civilian populations in armed conflicts.

At the normative level, it is important to emphasize that, despite the specific nature of today's armed conflicts, the international community seems to have at its disposal a sufficient arsenal of legal instruments to protect civilian populations. Aside from the lack of a framework, as has been noted, to deal with displaced persons — a gap that should be filled as quickly as possible — now seems to be the time to stress the promotion of broad adhesion to and the effective implementation of the rules that have been laid down by existing instruments.

Greater respect for the norms can be guaranteed only if the parties to a conflict, whoever they are and regardless of the nature of the conflict, can no longer enjoy impunity. To that end, everything possible must be done to bring those guilty of massive and systematic abuses to justice for their crimes. In this context, the establishment of the International Tribunals for the former Yugoslavia and Rwanda and the statute of the International Criminal Court are definite steps in the right direction.

But the actors in conflicts, be they inter- or intra-State, will not really feel bound to abide by limits in waging hostilities unless they are aware that the end does not always justify the means and that, at the end of the day, their military victory, their revolution or the cause they champion will not obtain the approval or the recognition of the international community as a whole, if on the way to achieving their goal, they have flouted humanitarian principles and rules.

It is in this context that the idea of finalizing a code of conduct for the business community seems worthy of interest to us. It is clear that the swarming that takes place in business circles, often seen during conflicts, contributes in one way or another to fuelling the machine that makes women and children victims of abuses. Often in the minds of the actors in a conflict, the image to be cultivated and proper conduct in operations are of little importance, once these actors are certain that control of the timber sector, of oil wells or of diamond mines guarantees them resources and the acquisition of weapons.

Moreover, in particular regarding the situation of children in armed conflicts, it is urgent that everything be done to assure them greater protection. Children are the future of any society, and therefore there can be no hesitation in strengthening norms promoting protection of children, in agreeing to put an end to the use of children in conflict situations and in accepting that they cannot be used in military operations before the age of 18.

The African Group, for its part, hopes that the report expected from the Secretary-General will fully take into account the essential points of the guidelines laid down on 12 February 1999 by the Special Representative of the Secretary-General for the protection of children in armed conflict.

Finally, the promotion of the security of civilians, including the personnel of humanitarian organizations, also depends on concrete, decisive and courageous measures designed to halt arms flows towards zones of instability and conflict, be they light and small-calibre weapons, more sophisticated and heavier weapons or anti-personnel mines.

Here, too, there is a need to draw up a code of conduct that the arms-producing countries should impose on themselves and see that it is respected by their industries and corporations working in this domain. Such measures are not at all out of reach if they are based on a genuine political will.

Likewise, when we are aware of the zeal with which alleged terrorists are tracked down, in every corner of the globe, it is difficult to understand why, despite the tireless appeals launched by the overwhelming majority of States, nothing significant has ever been carried out at the national level to prevent the recruitment and use of mercenaries, which, as has been proved, contributes to the flouting of the rules of international humanitarian law.

These are the elements that, according to the Group of African States, deserve to be taken into account in any effort aimed at providing greater protection to civilians during armed conflicts.

The President (*interpretation from French*): I thank the representative of Togo for his kind words addressed to me.

(*spoke in English*)

The next speaker inscribed on my list is the representative of the Dominican Republic. I invite her to take a seat at the Council table and to make her statement.

Ms. Aguiar (Dominican Republic) (*interpretation from Spanish*): Allow me to express the appreciation of the delegation of the Dominican Republic for the excellent initiative of holding this open meeting on the Fourth Geneva Convention, whose objective is the protection of civilian populations in armed conflicts, thus offering non-members of the Council the opportunity to participate in a matter that is so closely related to the concern for collective security.

My delegation wishes in particular to acknowledge the work being carried out by the International Committee of the Red Cross (ICRC) on behalf of affected populations and the clear and precise statement made by Mr. Sommaruga before the Council at its

meeting on 12 February 1999. We also welcome the determined and energetic position of Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund (UNICEF), who has understood perfectly the magnitude of our responsibility to future generations and the vital importance of protecting children as one of the sectors whose vulnerability puts in jeopardy the very existence of the human race on our blue planet.

We also wish to recognize Mr. Olara Otunnu, the Special Representative of the Secretary-General for Children and Armed Conflict, for his precise analysis of the components of this complex problem.

The matter before us offers us a splendid platform for philosophical reflection, on the eve of a new century and a new millennium, on the role of our Organization in the configuration of international relations within international society, particularly through the action of its executive organ, the Security Council.

In the preceding statements considerable concern has been expressed for the difficult situation of children, the future of any society, in armed conflicts. My delegation invites the members of the Council to carefully study the programme of peace and security for children advocated by UNICEF. This would serve as a contribution to the problem posed in the formulation of practical proposals for possible solutions.

The effects of sanctions on children are also cause for great concern. In proposing sanctions, we should consider the effects that they can have on children and on other vulnerable groups of society. It is unacceptable that, as a result of poorly targeted sanctions, there has been a dramatic increase in the infant mortality rate in some countries.

There is a common thread running through the preceding statements that makes unequivocally clear one of the characteristics of the recent armed conflicts that have led to political or military action by this Organization: the fact that their first and principal target has been the civilian population, in particular its most vulnerable sectors — children, women, the elderly, the sick, refugees and internally displaced persons. These categories of people are often the victims of conflicts in which all means are used, even the most reprehensible.

We are also witnessing a growing disregard for the application of the principles of humanity, independence and impartiality. Attacks against the personnel of organizations that provide humanitarian assistance have become an everyday occurrence. The deterioration of the conditions in which humanitarian action can be provided, a result of the excesses of politicization, have increased the vulnerability of those who are supposed to be served by that action.

Nonetheless, we note also that international humanitarian law is a body of well-defined norms whose application does not, however, meet all the expectations of its immediate beneficiaries. We all agree that resolving the problem we are considering today — protection of civilian populations in armed conflict — requires a mechanism to punish non-compliance with the norms of international humanitarian law, together with action aimed at preventing violence and abuses.

The search for an effective solution brings us back to our initial idea of philosophical reflection on the future of world society and of the role of individuals within it.

According to the information provided by some of the speakers that have participated in this debate, most armed conflicts of concern to us do not have the characteristics of international conflicts in the strictest sense, but rather of internal conflicts in which certain warring parties are neither States nor armed forces dependent on a State — although it is, of course, impossible to generalize.

Hence we have seen that conflicts caused by "ethnic cleansing" are part of a State policy. Others are caused by the actions of so-called liberation forces that are no longer operating against a colonial State. Both of these variables make the application of the different legal categories of humanitarian law even more complex.

But as was stated by the Permanent Representative of Slovenia, the objective of United Nations humanitarian activities should be human security, with the key being physical, not just legal, protection. In order to make headway in this direction, it is important that the political and possibly the military action undertaken by the Security Council complement and not compete with the jurisdictional action of the system's judicial organs.

No rule of law can be fully effective if non-compliance by States and by individuals does not result in jurisdictional sanction.

The international community has done a great deal recently to put an end to the related problem of impunity. Examples are the establishment by the Security Council of the International Tribunal for Rwanda and of the International Tribunal for the former Yugoslavia, as well as the recent adoption of the Statute of the International Criminal Court. The adoption of that Statute on 17 July 1998, at the conclusion of the Rome Diplomatic Conference, represents a concrete step towards the more effective protection of civilian populations in armed conflict.

Above and beyond preventive action — through education and training, the prohibition of the use of certain types of weapons with indiscriminate effects and the prohibition of the recruitment of child soldiers — the fight against impunity, which is the basis for the creation of this independent jurisdictional organ that is nonetheless related to the United Nations system, gives rise to fresh hope for the defenceless, whose demands for justice can no longer be ignored. It is vital that all States provide their assistance so that the Statute can enter into force as soon as possible.

Likewise, we believe that humanitarian action must be distinct and separate from purely political action, so that it can meet its goal of helping populations at risk, independently of the actions of Governments. Humanitarian action must be provided unconditionally so that it can recover its legitimacy.

We believe that this is also an opportunity for our Organization to reflect on how, as we face the new millennium, we can establish mechanisms to harmonize the various elements of the human family — individuals and ordinary citizens. That is because the mandate of the Charter of the United Nations begins with the principle of saving succeeding generations from the scourge of war, which has proliferated in this century and whose principal victims are civilian populations. The organizational structures of our political societies must not betray the aspirations of the individuals of whom they are composed.

From the eloquent statements made during this meeting, we can see that there is no easy way to tackle the roots of this evil. The delegation of the Dominican Republic wishes, in conclusion, to point to poverty as one of the fundamental root causes of conflict. It is increasingly clear that poverty has the potential of becoming the most important threat to international peace and security. For this reason, the delegation of the Dominican Republic believes that experience has shown that resolutions and agreements do not suffice. International legislation must be complemented by concrete measures to provide assistance to the neediest.

It is important that ideas be accompanied by a certain level of resolve, as a commendable way of finding solutions to conflicts and disputes using all the peaceful means at our disposal.

The President: I thank the representative of the Dominican Republic for the kind words she addressed to me.

The next speaker inscribed on my list is the representative of Guatemala. I invite him to take a seat at the Council table and to make his statement.

Mr. Lavalle-Valdés (Guatemala) (*interpretation from Spanish*): On behalf of the Government of Guatemala, I wish to express my gratitude for this opportunity to participate in this important meeting of the Council. I wish also to congratulate you, Sir, on your assumption of the presidency and on your outstanding and skilled leadership. We also express our appreciation to your predecessor for the exemplary way in which he discharged his mandate.

The issue now before us, so eminently humanitarian in nature, is the legitimate source of deepest concern to the international community. There are ample grounds for any non-member of the Council to speak today in order to associate its concerns with those so well expressed in the two meetings that the Council has devoted to this issue this year and in this meeting as well.

Unfortunately, however, Guatemala also has powerful additional reasons to express today the profound concern of its people and Government over the tragic issues being discussed at this meeting.

As you know full well, Sir, and as I am certain all of those present are also aware, it was only in late 1996 that we saw the definitive end to a 36-year period in which Guatemala and its people suffered the horrors of a fratricidal internal conflict. That year, our President, Alvaro Arzú Irigoyen, described that confrontation to the General Assembly as "a dirty war that crushed entire villages and compelled many people to flee". (*A/51/PV.8, p. 4*)

The conclusion of that traumatic conflict, which was as savage as it was unnecessary and futile, was brought about through the painstaking efforts made, with the

inestimable assistance of the United Nations, by the parties to the conflict. Those efforts led to a series of specific agreements that concluded with the signing, in December 1996, of the Agreement on a Firm and Lasting Peace. My country, with the assistance of the United Nations and the rest of the international community, is now involved in the process of implementing the accords.

One misfortune that we particularly deplore is the fact that our long internal armed struggle was not an exception, but rather a confirmation of a tragic characteristic of current armed conflicts — in other words, a conflict in which the number of civilian victims is much higher than that of combatants. It is true that, to a great extent, we have achieved the return to their homes of those who were internally displaced by the armed conflict, as well as the resettlement of those uprooted. Measures have also been taken to stabilize and improve the situation of all civilians affected by the confrontation. However, even if these and the other problems afflicting the country are resolved, it will of course be impossible to heal all the physical and psychological wounds left by so many years of atrocious violence. Nor will it be possible to erase from the collective national memory the painful recollection of so much suffering.

Guatemala therefore fully shares the concern expressed by the Council, in its presidential statement of 12 February 1999, on "the widening gap between the rules of international humanitarian law and their application". (*S/PRST/1999/6, p. 2*) We support the appeal made in that statement for strict compliance with the norms of international law by the countries affected by armed conflicts. We are also pleased that the statement underscored the importance of the historic Hague Conventions, in which the relevant customary law is reflected, as well as the Geneva Conventions of 1949 and their Additional Protocols of 1977, treaties to which Guatemala is a party, as it is to the United Nations Convention on the Rights of the Child, the importance of which is also emphasized in the statement.

The statement also stresses the harmful impact of the proliferation of weapons, especially small arms, on the security of civilians. This prompts me to mention with satisfaction the cooperation between Guatemala and the Department of Disarmament Affairs of the United Nations Secretariat on the convening in our country of a seminar in November last year on this important issue and a related a problem.

We are all aware that there are differing opinions on the perfectibility of human nature. The spread of a phenomenon that has been commented on of late by the media and in this meeting makes us believe not only that human nature cannot be perfected, but that humankind may in fact be in a state of clear moral degeneration. I am referring to the recruitment of children to the ranks of combatants, including in conflicts characterized by the commission of atrocities. We hope that the report requested of the Secretary-General in the statement to which I have referred will give due and thorough attention to the question of the participation of children in armed conflicts.

Guatemala eagerly awaits that report and hopes that, if it is not possible to bring about a definitive end to armed conflicts of all types, there will at least be strict respect for the international humanitarian law applicable to them. We hope that the report will make an important contribution to the achievement of that intermediate goal.

The President: The next speaker is the representative of El Salvador. I invite him to take a seat at the Council table and to make his statement.

Mr. Castaneda-Cornejo (El Salvador) (*interpretation from Spanish*): My delegation appreciates the invitation to participate in this meeting of the Security Council, which you, Sir, have wisely convened, to debate the important humanitarian issue of the protection of civilians in armed conflict. Canada has always distinguished itself by an honourable, consistent and outstanding involvement in United Nations efforts to achieve international peace and security, in particular by its humanitarian devotion to alleviating the suffering of civilian populations in armed conflicts. Your own diplomatic work, Sir, confirms this.

This meeting to discuss the subject of the protection of civilians in armed conflict is of great significance to the international community. It makes it possible to study the mutual interrelationship between the political action of the Security Council and the work of humanitarian assistance personnel to protect and assist civilians in armed conflict.

We support the valuable views expressed by Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross; Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund; and Mr. Olara Otunnu, the Special Representative of the Secretary-General for Children and Armed Conflict

during the meeting held by the Security Council on 12 February 1999. We also endorse and support the important presidential statement issued on behalf of the members of the Security Council on that same date, which expresses the political interest of the international community in adopting concrete measures to put an end to the practice of committing violence against civilians in armed conflict.

We note with concern a trend towards the targeting of military action by parties to a conflict on the civilian population, in particular its most vulnerable groups: children, women, the elderly, the sick, refugees or displaced persons. This constitutes a clear and intolerable violation of basic human rights and freedoms and of the fundamental principles of international humanitarian law. It also constitutes an obstacle to national and international efforts to promote sustainable human development.

We consider it fundamental that all the parties involved in an armed conflict ensure respect for the principles and norms of international humanitarian law, a prerequisite for the process of finding peaceful solutions to armed conflicts.

In this respect, we believe it is appropriate to highlight the following aspects derived from El Salvador's experience.

It is important that the parties to a conflict strictly observe these principles and basic norms for the protection of the civilian population.

The parties involved must have the political will to recognize the need to respect and apply the provisions of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, as well of the Additional Protocol II, adopted in 1977.

Agreements for the promotion and protection of human rights and fundamental freedoms among the parties directly involved in an armed conflict must be adopted, thus ensuring respect for the non-combatant civilian population.

In the case of El Salvador, the signing of the San José Agreement on Human Rights before the cessation of the armed conflict by the Government of El Salvador and the Farabundo Martí national liberation front on 26 July 1990 was respected by both parties. The adoption of ceasefire agreements that were respected by the parties involved, before the final Peace Accords were reached, made it possible to conduct humanitarian relief activities to provide support and care for the population, including in the zones of conflict. In El Salvador the ceasefire agreements, made it possible, for example, to develop infant vaccination days conducted by the Government in cooperation with the United Nations Children's Fund. The success of these programmes would not have been possible without the respect for international humanitarian law and the direct and indirect cooperation of the parties to the conflict, which in practice shared common areas of mutual respect, to the benefit of the civilian population and the national and international non-governmental humanitarian assistance organizations, particularly the International Committee of the Red Cross.

Lastly, there was the signing of the Peace Accords themselves, which complemented the initial agreements and which were the real expression of the will of the parties to the conflict to find a negotiated, lasting permanent political solution to the Salvadoran crisis.

We also consider it important to promote a culture of peace through education in all its dimensions and in all of its scope as a strategic measure to complement national and international efforts to promote a solution to armed conflict through dialogue and negotiation. There is a need for a concerted global effort of education and training, which must be supported by the United Nations in order to provide the population at all levels with a greater capacity for dialogue, tolerance and respect for human rights.

We also believe that in connection with the protection of the civilian population, particularly children, in an armed conflict, it is vital to see to it that the parties to a conflict pledge to respect the provisions of international humanitarian law and, more specifically, those of the Convention on the Rights of the Child. They must also take complementary actions, such as putting an end to the practice of using children as soldiers, promoting universal recognition of the minimum age of 18 for recruitment, and speeding the demobilization of children that are now participating in armed conflicts.

The elimination of impunity for war crimes, in particular as regards crimes committed against children and the non-combatant civilian population, as established in the Statute of the International Criminal Court adopted at the 1998 Rome Diplomatic Conference, also deserves our support on the subject before us.

In conclusion, we consider it relevant to emphasize the importance of integrating the efforts of the Security Council in the protection of civilians in armed conflict with the actions taken by the Economic and Social Council for the promotion of sustainable human development, since the latter actions are geared towards promoting the eradication of the main causes of these conflicts, such as extreme poverty, discrimination, displacement and marginalization. Strengthening of cooperation and the coordination of these principal organs of the United Nations with humanitarian assistance personnel also makes it possible to develop more effective, better coordinated action for the protection of civilians in armed conflict.

The President: I thank the representative of El Salvador for his kind words addressed to me and to my country.

(*spoke in French*)

The last speaker inscribed on my list for this morning is the representative of Haiti. I invite him to take a seat at the Council table and to make his statement.

Mr. Lelong (Haiti) *(interpretation from French)*: First of all, I would like to assure you, Mr. President, that I will try to be brief and to respect your time limits. I would like to congratulate you on having convened this public meeting, which, by allowing for the participation of countries that are not members of the Security Council, enriches its work.

The question before us today is that of a search for ways and means to protect civilians affected by armed conflicts, to guarantee in the most effective manner possible their security wherever it is threatened. This question has been debated at length by previous speakers. I therefore do not intend to make a speech, but rather to make a few brief comments based on the recent experience of my country and on the contribution of the international community, for which we shall always be grateful.

The management of actions and initiatives aimed at definitely resolving crises so that there is no possibility of their resumption would be the optimal option for protecting civilians. This is wishful thinking and a challenge that is difficult to address as a whole, and I shall therefore take up certain aspects of the specific case of Haiti.

As all are aware, my country was not the victim of a civil war, but rather the situation of crisis that it has faced has numerous characteristics that are generally typical of a war situation, such as massive migrations of population and violations of human rights, a population held hostage and polarized and a ruined economy.

The international community responded through political, diplomatic and humanitarian actions and through coercive measures whose effectiveness was often called into question, in particular the economic sanctions. Perceived by the captive population as an expression of the support of the international community, economic sanctions as applied in Haiti turned out to be a burden for the poor and an advantage for the de facto authorities and their supporters, and thus did not yield the expected results. There was an embargo on gasoline, but the streets were full of vehicles; a suspension of commercial flights, but heavy nighttime aviation activity. There came the institutionalization of smuggling through a porous border, a sharp rise in prices of commodities, a spiralling cost of living and considerable enrichment of the economic elite.

These brief observations on economic sanctions allow us specifically to make comments regarding the nature of sanctions when it has been decided to apply them. We believe that sanctions must be, and are supposed to be, not against a society but against a group of individuals; that is, that they must be carefully targeted. They must be applied with better planning and a reliable system of assessment. They must be properly formulated, of limited duration and based on specific criteria. They must take into account progress made. And the United Nations system itself must have a reliable source of information regarding the impact of sanctions on each individual situation in which sanctions are imposed.

Once again I emphasize that when a decision has been taken to resort to economic sanctions, they must be imposed firmly and transparently, strictly applied and supported by a credible decision. In the case of Haiti at least, such an approach, by all indications, would have resulted in much less suffering.

A second group of comments relates to some of the operational defects, which improved with time and as measures were taken. I would emphasize here, without wanting to be too critical, an occasional lack of understanding in the implementation of adopted policies; a pernicious role played by local personnel; supporters of those in power being recruited by the international organizations; a perceived lack of sensitivity on the part of those who were in charge of certain political and

diplomatic aspects; and perhaps too frequent personnel turnover. The result has sometimes been a lack of coordination and of efficiency.

A third point would be the question of how to avoid the massive flow of arms to the country despite all prohibitions. Is it enough simply to protest these atrocities fuelled by industries that are showing renewed vigour in the international markets? Is it enough to condemn those who — out of apparent madness, forever seeking either to take power or maintain it — mutilate, rape or kill thousands of innocent people, or cripple them either with machetes or — as if this might be more modern — with modern weapons? Should we not condemn all the links of the chain? Here is a highly complex and challenging problem.

A fourth aspect is that the maintenance of peace and security and the protection of civilians is based not only on political and diplomatic initiatives and on the sometimes opportune application of economic sanctions, but also on sustained efforts for development. Although in Haiti one can see an evolution towards the standard approach of separation of activities, there is also a need to integrate the work of the Security Council, the Economic and Social Council and other international actors in order to move action beyond humanitarian assistance towards the areas of economic and social development.

Given these tragedies, the international community has an obligation to make a firm commitment, avoiding any kind of manipulation. The history of murders and of massacres is doubtless also the history of silence and of complicity. It is highly possible that several chapters of modern history would have been different if certain genocides had not benefited from so much complicity.

The President: I will suspend our meeting now. We will begin again at 3 p.m. sharp.

The meeting was suspended at 1.55 p.m.

Security Council

Fifty-fourth Year

Provisional

3980th Meeting

Monday, 22 February 1999, 3.15 p.m.

New York

President:	Mr. Fowler	(Canada)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Valle
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Touray
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Fedotov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Protection of civilians in armed conflict

99-85137 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was resumed at 3.15 p.m.

The President (*interpretation from French*): The next speaker inscribed on my list is the representative of Azerbaijan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kouliev (Azerbaijan) (*interpretation from Russian*): First of all, we would like to express our appreciation, Mr. President, for your important initiative to convene an open debate on a very acute and pressing matter: the protection of civilians in armed conflict. This topic undoubtedly represents the fundamental challenge facing the international community and in particular the Security Council.

On 12 February, we had an opportunity to listen to the thoughtful and illuminating briefings by Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund (UNICEF), Mr. Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict and Mr. Cornelius Sommaruga, President of the International Committee of the Red Cross. The Council members also expressed their views and ideas on the matter. On the same day, the Council adopted a presidential statement that we believe will have far-reaching significance. The Azerbaijani delegation welcomes and fully supports the Council's request to the Secretary-General to submit a report containing concrete recommendations to the Council by September 1999 on ways in which the Council, acting within its sphere of responsibility, could improve the physical and legal level of protection provided for civilians in situations of armed conflict.

The issue under discussion today has, in our view, at least two levels. Therefore, it must be adequately addressed. The first level concerns the problem of the protection of civilians in terms of their physical protection and their physical survival, which needs to be dealt with immediately by the Security Council, within its mandate. The second level is a complex one that involves a specific mechanism consisting of various interrelated elements, ranging from the body of international humanitarian norms and provisions to the agencies authorized to ensure the rights of the civilian population in situations of armed conflict and to provide humanitarian assistance for them, and so on.

During the previous meeting of the Council on this subject, almost all speakers concurred that in contemporary conflicts civilian populations are being deliberately and indiscriminately targeted and subjected to violence and physical destruction. The Azerbaijani people have experienced all this, having been exposed as they were to external aggression. It is a sad coincidence that the Security Council is taking up the issue of the protection of civilians in armed conflict at this time, when seven years ago, on the night of 25 February and in the early hours of 26 February 1992, the Armenian armed forces, with the assistance of the 366th motor-rifle regiment of the former Union of Soviet Socialist Republics, invaded the Azerbaijani town of Khojaly. Having razed the town to the ground, they killed hundreds of innocent people, not even sparing women, children or the elderly. Thousands were imprisoned and subjected to brutal violence and humiliation. In our country 26 February was proclaimed the day of the Khojaly genocide and a day of national mourning in Azerbaijan.

To prevent the reoccurrence of a Khojaly-type tragedy anywhere at any time, the Security Council must, in a timely and adequate manner, use its full authority, as enshrined in the Charter, and to use means ranging from political and diplomatic to military.

We fully support Ambassador Türk of Slovenia, who said,

> "The basic aim of United Nations humanitarian action should be human security, with the key to security being physical rather than only legal protection." *(S/PV.3977, p. 11)*

Providing human security is one of the main responsibilities of the Security Council. In this connection, conflict prevention assumes ever greater importance. This is the best way to protect the civilian population. Unfortunately, the Council has had to deal more frequently with open conflicts.

The main method, if it can be put that way, of conducting so-called combat operations during contemporary armed conflicts is ethnic cleansing, whereby a part of the territory of a sovereign State is cleansed of its local population, who, in turn, become displaced persons and virtual refugees on their own soil. The scale of ethnic cleansing can vary. In Azerbaijan, it involves approximately 20 per cent of the occupied territories and about 1 million refugees and displaced persons. I would like to point out that ethnic cleansing allows invaders to ignore the Geneva Conventions, thereby actually resorting to Stalin's ominous "joke": "No man — no problem".

Today, throughout the world, this category of the population includes more than 20 million people who urgently need adequate attention from the international community. Mr. Otunnu, in his statement and further remarks, particularly drew attention to the fact that the most vulnerable group of an affected population is displaced persons and that there is no agreed framework for providing protection for these people. There are arrangements for providing relief, but there is no framework for providing actual protection to these populations. Our delegation believes that it would be entirely appropriate for Mr. Francis Deng, Special Representative of the Secretary-General for Internally Displaced Persons, to participate and to speak in the debate.

In discussing the issue of civilians in armed conflict, we must devote particular attention to the question of children as victims of conflict, either as immediate instruments of war or as the recipients of physical, emotional or psychological traumas and injuries. The statements made by Ms. Bellamy and Mr. Otunnu at the previous meeting of the Council contained new and constructive ideas and practical proposals. We are convinced that these could make an important contribution to addressing the matter under consideration. Azerbaijan, as a member of the Executive Board of UNICEF, attaches great importance to the problems of children and armed conflict as well as to alleviating the effects of armed conflicts on children. It is actively involved in elaborating various rehabilitation programmes under the auspices of UNICEF.

In this respect, we are particularly concerned by illicit transfers of arms into conflict zones, and we must naturally redouble our efforts to curb this process. It is worth recalling, as underlined by the Secretary-General in his report on Africa, that halting the flow of arms to areas of chronic instability is an essential element of any strategy to reduce the level of brutality against civilian and humanitarian workers. We share the view of Ambassador Sergey Lavrov of Russia that we need to highlight the task of curbing arms flows into conflict areas, because this has a direct impact on better enabling humanitarian agencies to assist refugees and to perform their other tasks.

In this context, violations of arms embargoes imposed by the Council give rise to great concern. If the Council's sanctions are being ignored, then what reaction could be expected to the Council's appeals not to transfer arms into conflict areas? We should at least concur here with the Secretary-General when he states in his report on Africa that exporting countries have a responsibility to exercise restraint, particularly with respect to the export of weapons into zones of conflicts or tension.

Last, but not least, it is alarming that the gap between the norms of humanitarian law and their application has never been wider. The task of ensuring their application by all actors without exception is therefore a matter of top priority. There is no doubt that the Security Council has the potential constructively to contribute to strengthening international humanitarian law and ensuring its application. We believe that the General Assembly and the Economic and Social Council must also address this complex question. Given the nature and scale of the problem, we believe that it would be appropriate to include the question of the protection of civilians in armed conflict on the agenda of the Millennium Assembly.

The President: The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table.

If I may be somewhat presumptuous, I assume that at the conclusion of a long and distinguished diplomatic career, this may be the last occasion that Ambassador Elaraby will have to address the Council, where, of course, he so ably represented his country only recently. I believe that I can say, on behalf of the Council, that we shall all miss his company and wise counsel.

I give the floor to the representative of Egypt.

Mr. Elaraby (Egypt): Thank you, Mr. President, for your very kind words, which I greatly appreciate.

(spoke in Arabic)

It is my pleasure also to welcome the initiative taken by your country, Canada, to convene this extremely important meeting on the protection of civilians in armed conflict and to hold the open meeting of 12 February under the presidency of the Minister for Foreign Affairs of Canada.

I should like also to thank you, Sir, for giving States that are not members of the Security Council the opportunity to hear the statements made by Mr. Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Cornelio Sommaruga, Chairman of the International Committee of the Red Cross; Ms. Bellamy, Executive Director of the

United Nations Children's Fund; and Mr. Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict.

There is no doubt that the issues that have been raised concern us all. In this connection, I am pleased today to comment on the views that drew Egypt's attention at the two meetings at which we heard those statements.

Let me at the outset point out that it is important that the Council, when seized with such an important and urgent question, not get bogged down in pure theory to the detriment of action. The Council should handle this question with full respect for the delicate balance of the roles assigned to various organs under the Charter of the United Nations, in particular the role of the General Assembly in considering the general principles of cooperation to eliminate human suffering, including protection of civilians in armed conflict.

The delegation of Egypt believes that in the light of the nature and scope of this issue, it would be desirable to inscribe this item on the agenda of the General Assembly as well as that of the Economic and Social Council, in order that more comprehensive discussions be held to supplement Canada's wise decision to convene this Council meeting.

The Council's responsibility, as I understand it, is based on its competence under the Charter, including the complementarity between its work and that of humanitarian agencies — work that now exceeds the capacities of the United Nations, including the Security Council.

As this century draws to a close and we prepare to enter a new millennium, and in a year when the world is commemorating the hundredth anniversary of the First International Peace Conference at The Hague and the fiftieth anniversary of the four Geneva Conventions, it is regrettable that we should witness an increase in the number of civilians who are victims of armed conflict. Indeed, civilians represent 75 to 80 per cent of such victims, as seen in Sierra Leone, Rwanda, Liberia, Kosovo, the Great Lakes region and in other areas.

This is reprehensible and shameful regardless of whether civilians are deliberately targeted or become the incidental victims of collateral damage. However, this phenomenon has causes and roots, mainly the fact that the Council has not been able to fulfil its functions because of political considerations. The Security Council should therefore assume its responsibility to find radical solutions to the conflicts that jeopardize international peace and security, and resolve them in an integrated and global manner by analysing their causes. This will prevent the escalation of violence among the combatants and avert serious humanitarian consequences such as the displacement or expulsion of populations or their exodus to neighbouring countries, which would bring further suffering to the civilian populations and lead to an unending vicious circle.

We reiterate this to emphasize the importance of proceeding with concrete action and not limiting ourselves to rehashing legal issues.

There is clearly an unprecedented gap between the norms of international humanitarian law and their actual implementation.

The issue, however, is not to revise such rules, which will evolve organically and must always be scrupulously implemented. Instead, we should ensure the implementation of obligations agreed by the international community, as represented by the 188 States parties to the 1949 Conventions, which are committed under common article 1 to ensuring respect for the norms of the Conventions in all circumstances. We must all ensure that there is no conflict between the application of international humanitarian law and the need to observe and implement the provisions of the Charter. It is essential, not to allow the implementation of international humanitarian law or the practical considerations of humanitarian protection to lead to contraventions of the Charter.

We welcome the Council's wise reaction to situations in which civilians are targeted and humanitarian assistance is deliberately hindered. Many current conflicts are taking place within rather than between States. We must therefore determine the extent to which the United Nations can actually intervene to settle such conflicts. The international community should preserve the fundamental characteristic of States — their sovereignty — which is the very foundation of contemporary international law and a key principle of the Charter. This, of course, is also addressed in paragraph 7 of Article 2, which defines the relationship between matters which are essentially within the domestic jurisdiction of any State and the enforcement measures the Council may take when international peace and security are threatened.

The international community should also ensure that the Council respect the fundamental criteria laid down in the Charter on the use of force solely under Chapter VII. Article 39 provides for the use force only when the Security Council determines the existence of any threat to the peace, breach of the peace, or act of aggression and makes recommendations or decides what measures shall be taken in accordance with Articles 41 and 42. There is a distinction to be drawn between the rules of international law on the protection of civilians in international conflicts, on the one hand, and in internal conflicts, on the other. This distinction can be based on legal as well as practical considerations.

I cannot fail here to express my full satisfaction at the fact that certain members of the Security Council, including permanent members, have mentioned the need for the Council to act within the limits of its competence. We support their appeal to ensure that different yardsticks not be used in the area of human rights. The international community must grant equal attention to all situations in which there is loss of life or egregious violation of human rights, wherever they may occur and without bias for the political considerations of some members of the Council, particularly the permanent members, over the general concerns of the Council and the Members of the United Nations as a whole. Thus, the Council must accord equal attention to the peoples of the Balkans, Palestine and other occupied Arab territories where there have been displacements, isolation, demographic changes or any situation requiring international protection.

It is also regrettable that the world must currently confront the phenomenon of the systematic exploitation of children, who are often compelled under different guises by force to participate in conflicts. It has been estimated that approximately 300,000 children are being used as soldiers in current conflicts. The Egyptian delegation urges all belligerents in the various conflicts throughout the world to respect children's innocence and ensure that it be preserved, for children are our hope for future peace. We also support the practical recommendation made by certain speakers that the minimum age for the recruitment of soldiers be raised to 18. More than 2 million children have been killed, 1 million orphaned, more than 6 million severely wounded and more than 10 million displaced. This gives us pause and we must take it very seriously.

We believe that the protection of children requires action at several levels. The key lies in full respect for human rights, especially those of civilians, and in the education of combatants on the rules for the protection of children. Specific rules must be added to the code of conduct on the protection of children. We must ensure that humanitarian personnel is trained in the protection of children in armed conflict. In this connection, we would like State and non-State actors alike to commit themselves to sparing children the scourge of war and to ensuring that those who survive wars do not become vindictive in their suffering.

Concerning the impact on civilians of sanctions imposed by the Council, I also wish to point out that these sanctions affect children first and foremost in the areas of nutrition, health, education and psychology. The sanctions that have been imposed in our times on certain States, such as Iraq, have had truly tragic consequences for the civilian population in general and children in particular, as well as on third countries, engendering bitterness and exacerbating aggressiveness. These situations should be revisited and innovative responses considered to ensure that the victims — civilians in general and children in particular — receive help.

Another important issue is the guarantee of protection for humanitarian personnel. Disquieting and deplorable are the current conflicts in which humanitarian agencies cannot intervene because human rights, safety and security are being flouted. When the safety of humanitarian personnel cannot be ensured, they cannot carry out their jobs. Many have suffered in the line of duty, being killed, injured or kidnapped. There must be greater sensitization in humanitarian affairs to the alleviation of human suffering.

Our delegation wishes here to pay a tribute to the very important role played by the International Committee of the Red Cross, particularly in disseminating these ideas and in trying to ensure respect for humanitarian law. Since last year, the world has witnessed two important events capable of promoting the implementation of international humanitarian law.

The first may apply in theory: the adoption of the Statute of the International Criminal Court. We hope that it will be up to the task of punishing those who practice their violent activities without scruple. The Statue of the Court is intended principally to protect civilians and we hope that the punishment of perpetrators in these situations will serve to keep others from repeating such activities.

The second development is the positive and unprecedented decision to call upon the High Contracting

Parties to the 1949 Geneva Conventions to convene a conference of the States parties on 15 July this year in the United Nations Office in Geneva on measures to enforce the Fourth Geneva Convention in the occupied Palestinian territory and to ensure its respect in accordance with common article 1. This would make it possible to hold similar conferences for follow-up and support and to monitor implementation of such conventions. Egypt believes that the holding of this important conference is one step forward to enhance international humanitarian law. Egypt is profoundly convinced that the Swiss Government, as the depositary State of the four Conventions, will spare no effort to ensure the success of the Conference.

Having said this, I should like to revert to the role of the Security Council, to reaffirm what I have said at the outset and what was stated already by the Egyptian delegation, on what considerations should be taken into account in the determination of the mandate of any operation which has a military component and which reacts to humanitarian issues on conflict.

First, we must draw a distinction between the responsibility and objective of the action and the responsibility and objective of the humanitarian effort. The Council should avoid the pitfall of leaving the humanitarian actions and discussions as an alternative to political or military actions.

Secondly, this mandate must always include arrangements related to the voluntary return of refugees, their repatriation and their compensation for loss of property.

Thirdly, rules of engagement must also be clarified and rendered more specific, as they are the very foundation for United Nations forces in dealing with the parties to a conflict. We must ensure that tragic events such as those that occurred in Bosnia and Herzegovina do not recur. Those rules should include the principles established in the traditional peacekeeping emergency operations which the United Nations began in Egypt in 1956. Those principles can be summarized in a few words: neutrality, self-defence and the ability to protect headquarters.

Finally and in conclusion, the Security Council asked the Secretary-General to submit a detailed report containing practical recommendations on the means by which the Council could enhance physical and legal protection of civilians in situations of armed conflict. We support the idea that the Secretary-General should meet this request, and in view of the complementarity between the Council and the whole system of humanitarian protection I have mentioned, my delegation also said the Secretary-General should submit his report to the General Assembly as well, so that the Council and the Assembly may both shoulder their responsibilities without contradicting each other.

The President: The next speaker on my list is the representative of Uruguay. I invite him to take a seat at the Council table and make his statement.

Mr. Pérez Otermin (Uruguay) (*interpretation from Spanish*): I should like to begin by expressing thanks and congratulations to you, Sir, on your initiative for having convened this open meeting of the Security Council today in order to hear the views of the Member States of the United Nations that are not members of the Security Council on an issue of such vital importance as the protection of civilians in armed conflict, an issue which involves and affects all of us.

Allow me also to congratulate the Permanent Representative of Brazil, Ambassador Celso Amorim, for having convened during his tenure as President last month the meeting on 21 January, when we heard the excellent statement of Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

That meeting, together with the one held on 12 February during the Canadian presidency, in the person of the Canadian Foreign Minister, Mr. Axworthy, which showed the importance which your country attaches to this issue, allowed sufficient elements of judgement and suggestions to be voiced so that our intervention will be very brief to the extent that we fully agree with the contents and suggestions of the speakers invited to make statements during those meetings.

We would also like to congratulate Mr. Sergio Vieira de Mello, Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross, Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund, and Mr. Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict. My country's position fully coincides with all the content of their statements and suggestions. We also emphatically support the statement of the President of the Council of 12 February of this year, contained in document S/PRST/1999/6.

My country, Uruguay, is attending this meeting of the Security Council with the authority conferred on it as one of the founding Members of the United Nations and one of the principal contributors to peacekeeping operations in relative terms to its population and the size of its armed forces, and it has made such contributions from the very beginning.

Having looked carefully at the records of the two meetings of the Security Council to which we have referred, which contain not only the statements of those mentioned above who were invited to speak, but also the wise statements of representatives of the member States of the Security Council, it would seem that nothing remains to be said, for these statements seem to be enough for the Secretary-General to prepare the document requested of him through the presidential statement, a request we fully agree with as well.

It is clear that the time to continue formulating international norms in this area has passed, and the time has now come to ensure that these norms are fully implemented. We therefore view the presence of States non-members of the Security Council here as one more indication of the Council's policy of having an ongoing exchange of views between the Council and all of the Member States, which contributes to greater transparency in its activities.

Therefore, Uruguay today offers all its political support to the Security Council so that it can exercise its authority in accordance with the letter of the Charter of the Organization and so that it can demand and affirm in armed conflict, the defence of civilians and in fulfilment of international norms of humanitarian law and human rights, for this is part of its international responsibility for the maintenance of peace and security. In this connection, we must not forget the clear provision contained in Article 24 of the Charter whereby we, the Member States, conferred on the Security Council the primary responsibility for the maintenance of international peace and security, and acknowledged that in carrying out its duties under this responsibility the Security Council would act on behalf of all of us.

Therefore, in this interplay of those who decide and those who carry out the decisions, we understand that it is our responsibility to renew our full support to the Security Council in its effort to uphold the rights of civilians in times of war.

As a contributor to peacekeeping operations, Uruguay has suffered the loss of human lives among its citizens. Thus, we support all of the proposals made in these Security Council meetings because we believe that they can make a decisive contribution to preventing action against civilians in armed conflicts and to defending the legitimate rights of those who so generously and disinterestedly do humanitarian work.

We have on many occasions noted that the primary purpose of the United Nations is the maintenance of international peace and security, as clearly stated in Article 1, paragraph 1, of the Charter. This proposition is the foundation on which all the others must be established. Without peace it is not possible to establish a democratic system of government, and without democracy it is not possible to maintain a mechanism that will ensure genuine protection of human rights. A strong and independent judiciary is unthinkable in any political system other than a genuine democracy in which there is a clear separation of the three state powers: the executive, the legislative and the judicial.

Allow me once again to express our full support for the clear proposals made by speakers. Without attempting to establish priorities among these proposals, let us state that to build peace, once it has been re-established, there must be at least a minimum of the necessary economic and social development.

Thus we would like to reiterate here what Uruguay has stated on other occasions: the best way to prevent conflict, and internal conflict in particular, is by contributing to the economic development of peoples, including such essential social components as education and health.

The defence of the rights of children is one of Uruguay's domestic and international priorities. We will continue to be a passionate proponent of establishing age 18 as the universal minimum age for the recruitment. We also believe that humanitarian assistance must be protected, and we strongly support all demining activities as well as the full and transparent elimination of all arms-trafficking.

In the light of the documents mentioned, words are not enough. Therefore, Uruguay, without overloading its own responsibilities in this regard, renews its full political support for the efforts of the Security Council and the Secretary-General to protect the rights of civilians in armed conflicts, as these efforts will undoubtedly

contribute to the maintenance of international peace and security.

The President: The next speaker is the representative of Zambia. I invite him to take a seat at the Council table and to make his statement.

Mr. Kasanda (Zambia): My delegation is grateful to you, Mr. President, and to the other members of the Security Council for allowing me to participate in the Council's deliberations today on a topic that commands international appeal, namely, "Protection of civilians in armed conflict".

It is fitting that the Security Council should focus attention on the protection of civilians in armed conflict. Statistics show that this last decade before the new millennium has witnessed more civilian casualties than in all the previous conventional conflicts since the end of the Second World War, conflicts that have killed around 22 million people. Ironically, this has happened in the aftermath of the cold war, a period we all thought would usher in an era of unprecedented peace and tranquillity throughout the world.

It is a matter of immense regret that civilians, including women, children and the elderly, are today the deliberate targets in the current wave of internal conflicts. So are the humanitarian personnel sent to provide assistance to those in need of such assistance.

In any discussion of the plight of civilians in times of war, the role played by small and light weapons will always be a matter of concern to the international community. To illustrate this disturbing phenomenon, the United Nations Development Programme, in its *Human Development Report 1998*, says that in the last decade alone armed conflict killed 2 million children, disabled 4 to 5 million and left 12 million homeless, more than 1 million orphaned or separated from their parents and some 10 million psychologically traumatized.

The report further states that the opportunity costs of armed conflicts have remained alarming, as conflicts continue to destroy years of progress in building social infrastructure, establishing functioning governmental institutions, fostering community-level solidarity and social cohesion, and promoting economic development. Small and light arms therefore constitute an issue of legitimate concern for the international community.

Women, children and the elderly are the most vulnerable groups in areas of conflict, but for children conflict is all the more devastating an experience. Those who deal in the delivery of humanitarian services worldwide, particularly for children, have indicated that 300,000 children, girls and boys, have participated as combatants in the 30 most recent conflicts. Although some are recruited, some are just abducted.

Child soldiers spend their entire youth as bearers of arms on the battlefield. All they know as they enter adulthood is war and the killing it entails. Under these conditions, generations of the human race miss golden opportunities to attend school and prepare for their uncertain future. When the war is over, they become a liability to society. They find themselves with none of the skills that normally come with the benefit of education and that would have allowed them to compete in the job market. The hapless children are doomed to a life of abject poverty.

The alarming problem of the protection of civilians in armed conflict is a demanding and urgent matter which, under normal circumstances, could have been less of a problem if only the various mechanisms that have been put in place through international instruments adopted over the past 100 years or so were respected. To be sure, this year, 1999, marks the commemoration of the centenary of the first International Peace Conference, which dealt with humanitarian law. It is also the centenary of the Hague Convention, the fiftieth anniversary of the Geneva Conventions and the thirtieth anniversary of the Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa.

Most of these instruments have been ignored with impunity, and civilians — particulary women, children, the elderly and the sick — have been victimized. Examples exist in Bosnia and Rwanda, where criminal politicians had a policy of inciting ordinary people to kill their neighbours, all because they were of a different ethnic or tribal background. However, it is gratifying to know that some of those tin-pot politicians are going through trials for the genocide committed. The establishment of Tribunals in respect of these two countries will have been a major achievement in the sustained effort to protect civilians in conflict situations in the future if punishments emanating from the Tribunals have a demonstrable effect.

The Convention on the Rights of the Child, for example, has implications for both human rights as well as international humanitarian and refugee law. However, despite the existence therein of article 38, which requires States to respect international humanitarian law and also establishes the minimum age for conscription at 15, warlords and other actors in situations of conflict flout this instrument with impunity.

My delegation therefore supports the proposal, which is gaining widespread acceptance in the United Nations, to increase the minimum age to 18 and to introduce an age requirement for United Nations peacekeepers and the international civilian police as well. My delegation also supports the proposal by the Special Representative of the Secretary-General for children and armed conflict to make the recruitment of child soldiers a war crime.

Putting in place various mechanisms to eradicate the exploitation of women, children and the elderly has proved to be just one of the mitigating solutions. It is like a cure for a disease that has already broken out. The best solution is preventive action, which calls for tackling the root causes of conflicts in the whole world.

We are thankful to the Secretary-General, who in his report dated 13 April 1998, entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", has defined all the underlying causes of conflict. Those are the fundamental issues that must be addressed in order to eliminate the requirement for the protection of civilians in armed conflict. The goal should therefore be to prevent the outbreak of conflict in the first place.

However, before the root causes of conflict can be completely eradicated, all States must bear their responsibilities which flow from the various international instruments defining their obligations to protect civilians in armed conflict. By the same token, the Security Council, too, has its own share of responsibility in the protection of civilians in armed conflict. It is the Security Council that has responsibility for the maintenance of international peace and security. In this respect, war and conflict situations should be treated in the same way, regardless of their location in the world.

Finally, my delegation looks forward to the report by the Secretary-General, which is due in September 1999, on ways in which the Council, acting within its sphere of responsibility, could improve the physical and legal protection of civilians in situations of armed conflict.

The President: The next speaker inscribed on my list is the representative of Iraq. I invite him to take a seat at the Council table and to make his statement.

Mr. Hasan (Iraq) (*interpretation from Arabic*): Allow me at the outset to thank you, Sir, for granting the opportunity to States Members of the United Nations to express their views on the question of the protection of civilians in armed conflict. This question assumes today a greater importance than ever before because of the growing exposure of civilians to the horrors of armed conflict. The international community should therefore accord it due importance so as to secure respect for the basic standards of international humanitarian law.

The treatment of this question necessitates the adoption of a balanced approach that takes into consideration several factors. The question has numerous facets, requiring the interaction of the efforts of numerous international bodies.

First, for such interaction to take place, international organizations should act strictly within their competence and refrain from encroaching on the competence of other organizations. On this occasion we would like to highlight the effective role required of the Secretary-General of the United Nations, the General Assembly, the Economic and Social Council and all other United Nations bodies and humanitarian organizations, foremost among them the International Committee of the Red Cross. At the same time, we warn against attempts by the Security Council to encroach upon the competence of those organizations and against attempts to politicize humanitarian issues.

Secondly, the best way of protecting civilians is to attempt to prevent the outbreak of conflict through preventive diplomacy and the role of the Secretary-General and of the United Nations bodies in accordance with the mechanisms provided for in Chapter VI of the Charter. Attempts to invoke action under Chapter VII are fraught with danger and will have adverse consequences, as experience has shown.

Thirdly, any action taken in the context of the protection of civilians in armed conflict must strictly observe paragraph 7 of Article 2 of the Charter. Breaching that Article would throw the door wide open to intervention in the internal affairs of States, especially at this time when we are witnessing rampant selectivity and double standards in the Security Council.

Fourthly, there must be comprehensive consideration of the causes and motives for conflict. The international community must not, by placing the onus on those directly involved in such conflict, shirk its responsibility for dealing with conflict. A partial, premature view of the conflict will lead to premature solutions, which may complicate the situation rather than resolve it. It is self-evident that the majority of conflicts in the third world have their roots in the heavy legacy of colonialism, the lack of socio-economic development and the tendencies of neo-colonialism, as well as in the current international economic environment, which makes the poor poorer and the rich richer.

The international community must make a parallel effort in the domain of development, respecting the rights of peoples to define their own social, economic and political options. We do not believe, for example, that we will be very successful in preventing the recruitment of children in conflicts if we do not provide schools for them and employment opportunities for their parents.

Everyone has spoken about the role of the Security Council in protecting the victims of armed conflict. Allow me to speak about the need to protect the civilians who are victims of the practices of the Security Council itself and of some permanent members of the Council.

I believe that it is high time for the Council to face the facts squarely. In countries plagued by poverty, unemployment and lack of development, it is not only regular armies and armed militias that are capable of perpetrating heinous crimes. Allow me to briefly review some practices by the Security Council and by some of its permanent members and compare such practices with the principles regarding the protection of civilians mentioned by some of the speakers at this meeting, on the basis of my country's experience with the Security Council.

First, Mr. Sommaruga, President of the International Committee of the Red Cross (ICRC), said, "Nothing can justify punishing an entire population" *(S/PV.3977, p. 4)*. The facts show that on 2 August 1990 the Security Council imposed comprehensive sanctions against Iraq, which are still in effect. These sanctions and the aggression against Iraq in 1991 claimed the lives of 1.5 million Iraqi civilians and devastated the socio-economic infrastructure of Iraqi society for generations to come. These sanctions, by any standard, are collective punishment. If the Council wants to take a serious step to protect civilians, it can do so at this very moment. All it has to do is lift the sanctions against Iraq immediately.

Secondly, Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund (UNICEF), said, "we must protect children from the effects of sanctions" *(S/PV.3977, p. 7)*. The facts indicate that with every passing hour, 10 more Iraqi children die because of the continued sanctions. Is the Council willing to show more tolerance regarding this crime being perpetrated in its name?

Thirdly, numerous speakers called upon the Security Council to play a collective role in protecting civilians in armed conflict and called for individual roles for the Governments represented on the Council. This sincere wish runs counter to the fact that two permanent members of the Security Council consider themselves above the law and feel that the United Nations Charter and international law apply only when they are in line with their own interests. Their most recent aggression against Iraq, on 16 December 1998, provides the best proof of that. In this very Chamber, most Council members spoke on that day of the aggression and stated that the Security Council has no mandate for the use of force. Some of them explicitly condemned the aggression; yet the aggression continued and claimed the lives of hundreds of Iraqi civilians.

Fourthly, Mr. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, said, "we have to promote the concept of children as a zone of peace" *(S/PV.3977, p. 9)*. The facts show that Iraqi children suffer the daily horror caused by British and American sorties over the cities and the villages of Iraq. These aircraft often break the sound barrier over homes, causing children to tremble in fear. Other Iraqi children are killed daily by British and American smart bombs.

The United Nations Humanitarian Coordinator in Iraq, Mr. Hans van Sponeck, reported to the Security Council on the dropping of American smart bombs on residential neighbourhoods of the city of Basra on 25 January. This one incident claimed the lives of 17 martyrs and injured 100 people, mostly women and children. The report is before the Council, which has yet to take action on it.

It is my belief that the Council has a good opportunity to protect Iraqi civilians by preventing the daily use of force by Britain and the United States against them through the imposition of the illegal no-flight zones. It is incumbent on the Council to say to the United States and Britain that this illegal conduct is in full violation of Security Council resolutions that call for respect for the

sovereignty, independence and territorial integrity of Iraq. The Council should denounce that conduct forthwith.

Fifthly, we have heard some speakers at this meeting warn against the use of the media to instigate violence and sedition. The United States has used this means against Iraq. The radio station targeting the national Government of Iraq, which recently began to broadcast in Prague, the capital of the Czech Republic, is additional proof of some Council members violation of their responsibilities under the United Nations Charter.

All of this evidence regarding the way the Council, as an institution and as an assemblage of States, deals with Iraq, calls for the Council to undertake a comprehensive review of its position on the question of the protection of civilians in armed conflict and should take decisive steps to correct the situation. The fault lies with the Council itself.

The President: The next speaker inscribed on my list is the representative of Israel. I invite him to take a seat at the Council table and to make his statement.

Mr. Gold (Israel): Let me begin by congratulating you, Sir, on your assumption of the presidency of the Security Council and on the manner in which this particular meetings has been conducted so far. I would also like to pay tribute to your predecessor, Ambassador Amorim of Brazil. Let me also add that I would like to pay a special tribute to the Ambassador of Egypt, Mr. Nabil Elaraby. Egypt is the first country with which Israel had diplomatic relations in the Arab world, and Ambassador Elaraby has been a gifted and experienced diplomat who represents eloquently his country's point of view.

The State of Israel has a deep and historical interest in the growth, integrity and respect of international humanitarian law in general, and the Geneva Conventions in particular. As a nation that lost one third of its population in the Nazi occupation of Europe, in the most heinous case of genocide in human history, Israel's own birthright is engraved with a particular responsibility to prevent this crime from occurring ever again against the Jewish people and a universalist commitment to combat genocide, crimes against humanity and war crimes wherever they may occur.

In this context, Israel is concerned with what is transpiring today regarding those international instruments designed to protect civilians in armed conflict, including the Geneva Conventions. The world community is facing at least 20 ongoing armed conflicts around the globe that have led to acute starvation, ethnic cleansing and the physical eradication of entire communities.

A basic paradox confronts the international community in this regard. For while the Geneva Conventions in particular have received nearly universal support through the accession of 188 countries, it remains a challenge to ensure that the provisions are upheld on the ground and accorded the respect they deserve.

The architects of the Geneva Conventions were aware that this sort of situation might arise. Common article 1 of the Fourth Geneva Convention states:

> "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

The majority interpretation of this article at the close of the 1949 Geneva Conference was that this language was intended to require States to ensure that their own populations, armies and institutions respect the Convention. This meant that not only clear instructions be given by States to the relevant departments of their Governments, but also that these regulations be carried out.

There are practical steps that every signatory to the Fourth Geneva Convention can adopt in order to ensure greater respect and adherence to its provisions. First, States have a responsibility to educate their peoples regarding the importance of humanitarian law in general. This should not be confined to the small community of legal experts in foreign ministries and universities who write on this subject. States should disseminate information about the Fourth Geneva Convention even before they become involved in armed conflicts. For example, the Fourth Geneva Convention should be included in military training. In fact, the provisions of the Convention should be included in the staff orders of every soldier, which is the practice of the Israel Defence Forces.

Secondly, States can use their legal processes to broaden adherence to the Fourth Geneva Convention. Legal advice and representation should be given to every civilian coming under military administration as a result of armed conflict. Moreover, individuals facing administrative decisions taken by the military should have the right of appeal or redress. Israel, for its part, has given the residents of the territories under its military administration the right to challenge the actions of the

Israel Defense Forces by subjecting them to judicial scrutiny. In other words, Palestinian Arabs were given the right of appeal to Israel's Supreme Court while they were under Israeli military administration. Parties to the Fourth Geneva Convention should consider adopting this precedent set by the State of Israel.

To ensure respect for the Fourth Geneva Convention, it is not only necessary to advance education on humanitarian law and to utilize the legal process. It is also necessary to ensure the principle of freedom of access. Humanitarian norms, in short, are best protected by transparency. Israel did its part in this regard by providing the International Committee of the Red Cross (ICRC) with access to territories under its military administration.

Clearly, when a State party opens its sensitive operations to outside scrutiny, it can provide ammunition to those with hostile agendas. Such openness, after all, will not always guarantee objectivity on the part of those reporting on humanitarian matters. But States should risk unfair criticism rather than compromise freedom of access, which is an essential check on the protection of human rights. For bitter experience has demonstrated that visible protection invariably is the only protection for many civilians in times of war.

The greatest threat to international humanitarian law, it must be remembered, is politicization. For it is more than frequently the case that States that spotlight their concern with alleged human rights violations in one case are in fact attempting to divert international attention away from serious breaches of international humanitarian law in some of the most urgent cases. Thus great international efforts may be spent on questionable cases, while massive human rights violations are completely ignored in others. When human rights are used to advance one single political agenda while the rights of countless others are ignored, human rights are denigrated, becoming a political instrument of narrow interests instead of a universal standard for the protection of all humanity.

The twin pillars of humanitarian protection are objectivity and neutrality. The moment the neutrality of international humanitarian institutions is threatened, the protection of human rights itself is endangered. Not all States can maintain freedom of access if they cannot trust that they are being scrutinized by impartial standards. It must be absolutely clear to occupying Powers and occupied populations that the body responsible for overseeing the implementation of international humanitarian protection is guided by complete impartiality. That requires giving due regard to unique situations as well as to the complexities and security dilemmas that they entail.

States are not tested in times of complete peace and prosperity. Adherence to international humanitarian norms is not measured by what officials write in learned journals or present at international seminars. The real test of States as to the seriousness they attach to international humanitarian law comes when they face clear and immediate threats to their national security and nonetheless demonstrate a decisive determination to educate their armed forces, to incorporate their legal processes and to retain transparency in order to protect the rights of civilians in armed conflict.

The President: In accordance with the decision taken earlier in the meeting, I now invite the Permanent Observer of Palestine to take a seat at the Council table and to make his statement.

Mr. Al-Kidwa (Palestine): We believe that protection of civilians in armed conflict is a matter of extreme importance. In this regard, we would like to express our appreciation to Canada for its initiative in bringing the matter before the Security Council. The statement adopted by the Council on 12 February 1999 provides a solid basis for fruitful work, and we are heartened to see the Security Council call upon all the parties concerned to comply strictly with their obligations under international law, in particular their relevant obligations under the Hague Conventions, the Geneva Conventions of 1949 and their Additional Protocols of 1977. We look forward to receiving the report of the Secretary-General which was requested in the statement by the Security Council.

Today, with the continued and increased suffering of civilians in armed conflicts, respect for the instruments of international humanitarian law and the enforcement of those instruments are critical matters. The upcoming fiftieth anniversary of the four Geneva Conventions provides us with an additional incentive to intensify our work in this regard. At this time, allow us to register our appreciation for the role which has been played by the Government of Switzerland, in its capacity as the depositary of the Conventions, and for the International Committee of the Red Cross (ICRC) for its untiring efforts in this regard.

For the Palestinian people, the provision of protection for civilians is not only an especially important matter — it is a matter of life and death. More than 50

years ago, approximately 700,000 Palestinian civilians were uprooted from their homes and properties and made refugees, thus creating the oldest and most protracted refugee problem still existing today. Approximately 20 years later, as a result of the 1967 war, scores of Palestinian civilians were again forced to leave their homes and lands, some of them for the second time, creating the so-called Palestinian "displaced persons". To this very day, the Palestinian refugees, who now number more than 3.5 million, remain deprived of their inalienable rights to return to their homes and properties and to be compensated, in accordance with General Assembly resolution 194 (III) of 1948. Even the Palestinian displaced persons, now numbering more than 600,000, have not been allowed to return, despite Security Council resolution 237 (1967).

Following its occupation of the West Bank, including East Jerusalem, and the Gaza Strip in 1967, Israel, the occupying Power, has continuously committed grave breaches of the Fourth Geneva Convention and of the Hague Conventions. The Security Council has responded by adopting 24 resolutions, which have reaffirmed the applicability of the Fourth Geneva Convention to the territories occupied by Israel since 1967, including Jerusalem. Many of these resolutions have called upon Israel, the occupying Power, to comply with the provisions of the Convention and to accept its *de jure* applicability. In several cases, the Council has also called for measures to ensure the safety and protection of the Palestinian civilians living under Israeli occupation. The Council has also called upon the High Contracting Parties to the Convention to ensure respect by Israel for its obligations under the Convention in accordance with common article 1. In resolution 681 (1990) of 20 December 1990, the Security Council requested the Secretary-General to develop further the idea of convening a meeting of the High Contracting Parties to the said Convention to discuss possible measures that might be taken by them under the Convention and also requested him to monitor and observe the situation regarding Palestinian civilians under Israeli occupation and to submit periodic reports. Israel, the occupying Power, has not complied with or even accepted any of the aforementioned resolutions. The Security Council, in return, has failed to react to this unique situation in fulfilment of its responsibilities under the Charter of the United Nations and international law, which has led to an unforgivable culture of impunity.

The Chairman's report on the meeting of experts on the Fourth Geneva Convention, which was held in Geneva on 27 to 29 October 1998, identified violations of the Fourth Geneva Convention in armed conflicts in general and in occupied territories. All of those violations apply in the case of the Israeli occupation of the Palestinian territory. Under this occupation, we have seen the continuing and large-scale destruction of the economic and social structures of the occupied territories and the substitution of the occupying Power's laws for those previously in force. We have seen deportations, displacement and the arbitrary detention of civilians; the confiscation of land and destruction of property; ill treatment of and violence against the civilian population; as well as numerous measures of collective punishment. On top of all that, we have seen the transfer by the occupying Power of a part of its own population to the occupied Palestinian territory, in grave breach of article 49 of the Convention. This article was drafted specifically to prevent colonization, annexation and any changes in the character of any occupied territory. There now exist more than 330,000 Israeli settlers in 175 settlements in the occupied Palestinian territory, 180,000 of whom live within the illegally extended municipal boundaries of occupied East Jerusalem.

What does all this mean? It means a unique situation which has been catastrophic for the entire civilian Palestinian population — a situation which started more than 50 years ago and continues to the present day. The situation is no less catastrophic for the Palestinian civilian population living under Israeli occupation, which has been subject to continuous oppression and is now subject to the only colonization campaign taking place at the end of the twentieth century.

In April 1997, for the first time in 15 years, in accordance with General Assembly resolution 377 (V) of 1950, entitled "Uniting for Peace", and under rule 8 (b) of its rules of procedure, the General Assembly opened an emergency special session to consider illegal Israeli actions in East Jerusalem and the rest of occupied Palestinian territory. The tenth emergency special session was convened after the Security Council had failed to exercise its primary responsibility for the maintenance of international peace and security because of the exercise of the veto by a permanent member twice in less than two weeks. The session has adopted five resolutions, all of which affirm the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including Jerusalem, and demand that Israel accept the *de jure* applicability of the Convention and immediately cease its settlement activities and other illegal actions.

The General Assembly has also made appropriate recommendations for collective action by the Member States. It has recommended three times that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1. In resolution ES-10/6 of 9 February 1999, the General Assembly further recommended the convening of the said conference on 15 July 1999 at the United Nations Office at Geneva and invited the Government of Switzerland, in its capacity as the depositary of the Fourth Geneva Convention, to undertake whatever preparations are necessary prior to the conference.

We believe that the convening of the conference will be an extremely important development for the application and enforcement of the Fourth Geneva Convention and for international humanitarian law in general. Its significance comes regardless of the fact that it comes belated and possibly because of the fact that no such conference has ever been convened in the past, despite all the atrocities that have taken place worldwide and despite the need for such a conference. The international community must ensure that the Geneva Conventions are there to be implemented and to be enforced and it must provide protection for civilians in armed conflict. For any promise of future action to be credible, however, the international community cannot ignore the above-described situation.

This ends my intervention on the subject at hand. Allow me, however, to say a few words about our participation in the meeting of the Council today. As members know, on 4 December 1975, at its 1859th meeting, the Security Council considered a request for the participation of the Palestine Liberation Organization (PLO) in that meeting of the Council. The request was not made under rule 37 or rule 39. The Security Council decided on that date, by a vote, that an invitation should be extended to the PLO to participate in the debate on the situation in the Middle East and that that invitation would confer upon it the same rights of participation as are conferred upon a Member State when it is invited to participate in the discussions under rule 37 of the provisional rules of procedure of the Council.

That invitation, upon vote by the Council, was repeated on numerous occasions. As of February 1994, Palestine has been invited to participate in the discussion without a vote by the Council, on request, in accordance with the provisional rules of procedure and established practice. The established practice, in our opinion, is clear. On issues related to Palestine, occupied territories and the situation in the Middle East, as well as other issues, the practice has always been to follow the same pattern. The PLO and later Palestine participated among Member States who are not members of the Council.

Today, that practice was not adhered to, for reasons we cannot comprehend. We understand that the established practice was perhaps not made clear and that General Assembly resolution 52/250 has been raised as a reason. That, of course, would be ironic, for many reasons, including the fact that the same resolution states:

> "The additional rights and privileges of participation of Palestine shall be effected through the following modalities without prejudice to the existing rights and privileges."

I would like to express our appreciation for the opportunity to speak before the Council today. However, we hope the Council members will take another look into this procedural issue, and we trust that today's aberration will be without prejudice to the established practice of the Council with regard to the future participation of Palestine.

The President: I will formally ask the Secretariat to look into the precedents you cited so that we can be certain that next time we face this issue we have a very clear idea of the precedents and the practices to which you refer.

In accordance with the decision taken earlier in the meeting, I now invite the Permanent Observer for Switzerland to take a seat at the Council table and make his statement.

Mr. Staehelin (Switzerland) *(interpretation from French):* I would like to thank you, Sir, and your delegation, as well as members of the Security Council for having organized this debate. As depositary of the Geneva Conventions and their Additional Protocols, Switzerland attaches major importance to respect for humanitarian law and sincerely appreciates your commitment to the protection of civilians affected by armed conflict. It was with particular interest, therefore, that my delegation listened to the statements just made, as well as those made in the Council on 21 January and 12 February 1999.

The Presidential Statement dated 12 February reflects the conviction that humanitarian law is based on universal values. The celebration of the fiftieth anniversary of the Geneva Conventions and the commemoration of the centenary of the first international Hague Peace Conference affords States an opportunity to take a comprehensive look at the way in which this law has been respected and the possibility of taking specific steps to prevent and punish violations of that law.

Crises which have recently broken out in various parts of the world have inflicted great suffering on the civilian populations, particularly the most vulnerable groups such as children, women, the elderly, refugees and displaced persons. The sufferings of civilians are particularly great when the parties involved do not have, or no longer have, chains of command and are thus acting without any instructions or control, or when their actions are based on ethnic considerations and are designed to eliminate the other.

The appearance and persistence of these new types of conflict confront the staff of humanitarian organizations with specific challenges. The President of the International Committee of the Red Cross, Mr. Cornelio Sommaruga, mentioned this in his statement to us.

In recent conflicts, weapons with indiscriminate effects have inflicted heavy casualties on the civilian population. The use of anti-personnel mines has defied some of the elementary principles of humanity. The proliferation of other conventional weapons, such as light arms, has also had an impact on hostilities and has had devastating effects indeed.

In the light of numerous violations of humanitarian law committed throughout the world, punishment is of particular importance. Although the instruments of humanitarian law contain rules governing this matter, the perpetrators of these offenses are not always tracked down, persecuted and punished.

Like other States, Switzerland has given thought to each of these topics. We are particularly anxious to define the scope of common article 1 to the Geneva Conventions, as well as machinery which could help promote respect for humanitarian law. We were responsible for convening the first periodic meeting on international humanitarian law, which in January 1998 dealt with the protection of humanitarian personnel and so-called unstructured conflicts, and also the expert meeting on the Fourth Geneva Convention, which in October 1998 considered general problems relating to the implementation of the Convention in general and in occupied territories.

These meetings were concerned with promoting the protection of civilian populations in armed conflicts. They confirmed that the difficulties which impede respect for humanitarian law may have diverse causes, which may be either technical or financial. They may also be related to insufficient norms or ignorance thereof. But their main source without doubt lies in the determination not to apply that law. Thus it is essentially political and legal disputes relating to the applicability of the Fourth Geneva Convention which have so far hampered the application of that instrument.

We are aware that States have to respect and to ensure respect for humanitarian law, which means in particular that States must protect civilians against the effects of armed conflicts. The obligation enshrined in common article 1 of the Geneva Conventions clearly has a legal scope. But the content of that obligation is not spelled out. Hence the law essentially leaves it up to the political evaluation of the States concerned to identify measures to be taken in a particular case. States must respect the principle of good faith in making such a choice.

The obligation to respect and ensure respect for humanitarian law above all has an effect at the national level, but it can also have consequences internationally. It can, *inter alia*, result in creating international cooperation, bilateral or multilateral.

The reports drawn up by the chairmen of the meetings held in January and October 1998 set forth a series of steps to remedy the problems identified. These steps can be taken before, during or after a conflict. They have legal, political, economic or social dimensions and can also be unilateral, bilateral or multilateral in nature. States may also rely on the support of relevant organs such as the International Committee of the Red Cross, and they can envisage increased cooperation with them and with international organizations, first and foremost the United Nations, as indicated in article 89 of Additional Protocol I to the Geneva Conventions.

More specifically, Switzerland believes that, first, the international community must promote the universal application of international humanitarian law, for example by encouraging the ratification of pertinent instruments. Second, we should intensify dissemination of humanitarian law and fundamental humanitarian values so

as to counteract the development of a culture of violence, while taking into account local customs and situations and the possibilities provided by modern means of communications, as well as the need to educate civil society as broadly as possible. Third, we need to promote respect for humanitarian law by non-State entities and to confirm the fundamental nature of the rules enshrined in common article 3 of the Geneva Conventions. Fourth, we should make it possible for the interested parties to establish and maintain appropriate lines of communication with all the parties to an armed conflict, be it international or national in character.

Fifth, we should take specific steps to punish acts of violence directed against civilians and, in particular, to promote the International Criminal Court becoming operational as soon as possible. Sixth, we need to guarantee that the obligation to punish violations of humanitarian law is supported by complementary efforts to achieve national reconciliation.

Seventh, we should make better known the statutes and the competencies of humanitarian organizations and encourage these organizations, insofar as possible, to coordinate their activities, both with one another and with other actors working in the field.

Eighth, we must pursue the elimination of anti-personnel mines, particularly by promoting the implementation of the so-called Ottawa Convention and by giving increased priority to demining and to international cooperation in this area. Ninth, we should establish tighter control over the transfer of light weapons and substantially reduce the existing stocks of these weapons.

Tenth, we need to promote the rapid adoption of an instrument banning the recruitment of children below the age of 18. Eleventh, in the same spirit, we must prevent the enlistment of such children and their direct or indirect involvement in hostilities and promote the demobilization of children thus recruited.

Twelfth, and finally, we need to give much more thought to identifying machinery that could be set up to monitor the implementation of humanitarian law in specific situations, bearing in mind already existing organs such as the humanitarian International Fact-Finding Commission.

The Swiss delegation cannot conclude its remarks without addressing more specifically the role of the United Nations in protecting civilians affected by armed conflict, as well as the specific responsibility of the Security Council in this field.

In the view of Switzerland, the actions of the United Nations should be aimed at preventing conflicts and promoting the reconstruction of local capacities after hostilities end, by contributing to appropriate economic, political and social development. Following the example of the ad hoc tribunals set up to try offences committed in the former Yugoslavia and in Rwanda, these actions should also aim at guaranteeing respect for humanitarian law and punishing violations that may have been committed. We believe that the Security Council should take due account of possible negative repercussions of economic sanctions on the civilian populations of the State concerned and on third States. Finally, Switzerland believes that humanitarian law, the needs of the civilian population and the particular problem of child soldiers should be duly taken into account when crafting the mandates for peacekeeping operations.

The President: Four countries have asked to speak in what used to be called the right of reply. They are Iraq, the United States, the United Kingdom and the Russian Federation.

Members of the Council will be well aware that we are at the moment keeping waiting two ministerial delegations of Member States that had asked to meet with us under the Arria formula, and I am much mindful of our need to get on with that important commitment. That said, I recognize, of course, the rights of members to seek the floor again.

As the representative of Iraq wishes to address the Council after the United States and the United Kingdom, I will give the floor to the representative of the United States.

Mr. Burleigh (United States of America): We are very aware of the time constraints on the Council, and it is with some regret that I feel the need to ask for the floor to respond to some of the statements of the representative of Iraq. But I will be brief.

The blame for Iraq's difficulties in recent years rests solely with the Iraqi leadership. Iraq is not and has not been a victim of aggression by other States. It is Iraq that has attempted literally to erase one of its neighbours. It is Iraq that has launched military aggression against other neighbours. And it is Iraq that has directed violent threats

against nearly all of its neighbours that have not actually been physically targeted.

Within the past three weeks alone, Iraq has aimed violent threats at Turkey, at Saudi Arabia and at Kuwait. The danger of instability lingers in the Gulf region for one central reason: Iraq's manifest aggressive intent towards its neighbours and Iraq's failure to comply with mandatory resolutions of this Council.

Furthermore, it is an indisputable fact that the coalition's recent use of force in Iraq came about only after Iraq's repeated refusal to cooperate with the disarmament requirements stipulated by this Council. In short, Iraq has refused to give up its weapons of mass destruction.

It is also well known and well documented that, within the scope of that limited use of force, coalition forces exercised every possible precaution in order to avoid civilian casualties and collateral damage.

With regard to the no-fly zones, it is also well known that they were created for the express purpose of protecting Iraqi civilians from the depredations of the Iraqi regime and its characteristic policy of employing massive military force against the persons, the homes, the businesses and the mosques of Iraqi civilians.

The Shiites in the south and the Kurds in the north of Iraq have been the primary victims of regime violence in recent years. Indeed, the Iraqi regime's threat to its own civilian population is continuing. Just this weekend there were many reports of Shiite citizens being targeted by the regime, in Baghdad and in the south, following the assassination of a prominent Shiite religious leader.

The no-fly zones also perform an essential early-warning function regarding Iraq's continuing threats to its neighbours. Thus the complaints and statements we have heard from the Iraqi representative today have no standing. The Iraqi regime is itself the perpetrator of calculated ongoing violence against Iraqi civilians. Until that violence stops, the international community, including the United States, must continue to exert every possible effort to protect the citizens of Iraq from their brutal regime and to assist in providing for their basic humanitarian needs through the oil-for-food programme.

Sir Jeremy Greenstock (United Kingdom): The representative of Iraq made certain allegations in his statement concerning the action taken by United States and United Kingdom forces on 16 December 1998 and concerning the legality of the no-fly zones. Let me make a brief further statement.

With regard to the action which began on 16 December, I draw the Council's attention to the statement I made during the debate on that date. The position on the no-fly zones, which the representative of Iraq characterized as illegal, is that they were established to help protect the civilian population in the north and south from repression by the Government of Iraq, in support of Security Council resolution 688 (1991). That repression has been amply detailed in repeated reports by the Special Rapporteur of the Commission on Human Rights, most recently in his September 1998 report, document A/53/433. The no-fly zones are justified under international law by this continuing situation of overwhelming humanitarian necessity, which has been caused solely by the Iraqi regime.

This is not the time to go into detail on the Iraqi Government's continuing repression of its own population, but when fully told, that story will be a horrific one. Any actions taken by my Government in the no-fly zones are taken purely in self-defence and as a direct result of Iraqi threats and attacks.

Mr. Fedotov (Russian Federation) (*interpretation from Russian*): With regard to the discussion which arose late in the meeting, I should like to reaffirm several key elements of our position.

First, Russia has consistently supported the full implementation of the Security Council resolutions on Iraq, which have paved the way for a durable post-crisis settlement in the Persian Gulf.

Secondly, the so-called non-fly zones, to which reference has been made, have nothing to do with the resolutions of the Security Council. The ongoing systematic bombings in those zones, as well as the foreign invasion of the northern part of Iraq, are causing us deep concern. We call upon all concerned to put an end to acts which run counter to the fundamental principles of the Charter of the United Nations and the norms of international law and which, *inter alia*, lead to the death of civilians. Now as never before, we need a responsible approach which would create a favourable atmosphere for the work now going on in the Security Council to resolve the Iraq problem.

Thirdly, meetings such as this one today are aimed at enhancing the transparency of the work of the Security

Council and at making it possible for a broad range of countries to bring their evaluations and ideas to Council members. These evaluations may differ from the views of certain Council members, but we see nothing bad in that. It is the price we pay for the openness of our work.

The President: The representative of Iraq has asked for the floor. I invite him to take a seat at the Council table.

Mr. Hasan (Iraq) (*interpretation from Arabic*): I should like to make several observations with regard to the two statements made by the representatives of the United States of America and of the United Kingdom.

First, we have often heard the shopworn version of events to which they referred, and it does not change the fact that the United States has declared that it will use the right of veto to prevent any resolution aimed at lifting the sanctions imposed on Iraq and that it wants the sanctions, which have so far murdered more than 1.5 million Iraqis and which are still killing them, to remain in effect. Nor does it change the fact that in 1991 the forces of the coalition destroyed Iraqi infrastructures and killed thousands of Iraqi civilians in pursuit of then Secretary of State James Baker's intention to take Iraq back to the pre-industrial age. Was that the aim of the Security Council?

The representative of the United States said that we tried to erase a State. But that State is independent and has been under American protection since 1991. What more is required of Iraq?

As regards the oil-for-food programme, everyone knows that it is temporary and weighed down with bureaucracy. It is also time-consuming: the time lapse between approval of a contract and delivery is more than one year. If we add to that the role of the United States and the United Kingdom in obstructing the contracts, we find that the programme has not been and will not be able to stop the deterioration in the humanitarian situation in Iraq.

As regards the no-fly zones, in 1992 the official United Nations spokesman, Joe Sills, emphasized that the no-fly zones had nothing to do with the United Nations but represented a unilateral action. A few days ago, the United States representative, Ambassador Burleigh, in an interview with the newspaper *Al Hayat*, acknowledged that there are members of the Council who feel that the imposition of such zones is illegal. Today, a permanent member made such a statement.

Is it acceptable for a State that is a permanent member of the Council to use force against an independent State, in contravention of Security Council resolutions and the United Nations Charter? If it does so, should it not pay the same price that it has caused others to pay?

The representative of the United Kingdom insulted the intelligence of those present when he said that their aircraft launch their smart bombs to kill our children in self-defence. He insulted our intelligence when he said that Iraq breached the no-fly zone on 90 occasions. Is it permissible to say that a State violated its own airspace 90 times? Such logic leads to the law of the jungle; it should not be repeated. The United States and the United Kingdom are the last countries that should lecture people on respect for international law and the United Nations Charter, and the last that are entitled to shed crocodile tears over the Iraqi people, whom they massacre every day. This farce should come to an end.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.10 p.m.